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MISSOURI STATE CONVENTION, 1865.

# JOURNAL

OF THE

# MISSOURI STATE CONVENTION,

HELD AT

THE CITY OF ST. LOUIS,

JANUARY 6—APRIL 10, 1865.

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ST. LOUIS:

MISSOURI DEMOCRAT, PRINT, CORNER FOURTH AND PINE STS.

1865.

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# NAMES OF THE DELEGATES

OF THE

## MISSOURI STATE CONVENTION OF 1865,

WITH THE PLACE OF NATIVITY, AGE, PROFESSION, AND POST OFFICE ADDRESS.

| <i>Names of Members.</i>                    | <i>Nativity.</i>    | <i>Age.</i> | <i>Profession.</i>      | <i>Post Office Address.</i> |
|---|---------------------|-------------|-------------------------|-----------------------------|
| Arnold Krekel, <i>President</i> .....       | Prussia.....        | 50....      | Lawyer.....             | St. Charles, Mo.            |
| Charles D. Drake, <i>Vice President</i> ..  | Ohio.....           | 54....      | Lawyer.....             | St. Louis.                  |
| Amos P. Foster, <i>Secretary</i> .....      | New Hampshire.....  | 32....      | Merchant.....           | Washington, Mo.             |
| Thomas Proctor, <i>Assistant Sec'y</i> .... | Ohio.....           | 49....      | Editor.....             | Macon City, Mo.             |
| H. J. Stierlin, <i>Doorkeeper</i> .....     | Prussia.....        | 43....      | Clerk.....              | St. Louis.                  |
| J. W. Stephens, <i>Serg't-at-Arms</i> ..    | England.....        | 31....      | Lawyer.....             | Rolla, Mo.                  |
| Adams, William B.....                       | Missouri.....       | 46....      | Physician.....          | Danville, Mo.               |
| Barr, Adam J.....                           | Pennsylvania .....  | 36....      | Physician.....          | Richmond, Mo.               |
| Bedford, Alfred M.....                      | Tennessee.....      | 44....      | Lawyer.....             | Charleston, Mo.             |
| Bonham, David.....                          | England .....       | 56....      | Farmer.....             | Empire Prairie, Mo.         |
| Budd, George K.....                         | Pennsylvania .....  | 63....      |                         | St. Louis.                  |
| Bunce, Harvey .....                         | New York .....      | 48....      |                         | Boonville, Mo.              |
| Bush, Isidor.....                           | Austria.....        | 43....      | Gen. Ag't I.M.R.R. .... | St. Louis.                  |
| Childress, Robert L.....                    | Tennessee .....     | 56....      | Farmer.....             | Marshfield, Mo.             |
| Clover, Henry A .....                       | New York.....       | 41....      | Lawyer.....             | St. Louis.                  |
| Cowden, Rives C.....                        | Virginia.....       | 65....      | Farmer.....             | Halfway, Mo.                |
| Davis, John H.....                          | Ohio.....           | 48....      | Farmer.....             | Hall's Ferry, Mo.           |
| Davis, Samuel T.....                        | Kentucky.....       | 30....      | Lawyer.....             | New Madrid, Mo.             |
| Dodson, Isham B .....                       | Kentucky.....       | 47....      | Lawyer.....             | Kirksville, Mo.             |
| D'Oench, William .....                      | Prussia.....        | 48....      | Merchant.....           | St. Louis.                  |
| Ellis, John H.....                          | Virginia.....       | 51....      | Physician.....          | Chillicothe, Mo.            |
| Esther, John.....                           | Tennessee .....     | 38....      | Farmer.....             | Lebanon, Mo.                |
| Evans, Ellis G.....                         | Missouri.....       | 41....      | Mechanic.....           | Cuba, Mo.                   |
| Filley, Chauncey I.....                     | New York.....       | 36....      | Merchant.....           | St. Louis.                  |
| Fletcher, John W.....                       | Missouri.....       | 46....      | Farmer.....             | DeSoto, Mo.                 |
| Folmsbee, Wm. H.....                        | Ohio.....           | 36....      | Physician.....          | Gallatin, Mo.               |
| Foster, Emory S.....                        | Missouri.....       | 27....      | Student at Law.....     | Warrensburg, Mo.            |
| Fulkerson, Fred. M.....                     | Virginia .....      | 57....      | Farmer.....             | Marshall, Mo.               |
| Gamble, John W.....                         | Kentucky.....       | 50....      | Farmer.....             | Mexico, Mo.                 |
| Gilbert, Archibald.....                     | South Carolina..... | 51....      | Farmer.....             | Mount Vernon, Mo.           |
| Gilbert, Samuel A.....                      | Illinois .....      | 29....      | Lawyer.....             | Weston, Mo.                 |
| Gilstrop, Abner L.....                      | Indiana.....        | 51....      | Lawyer.....             | Macon City, Mo.             |
| Grammer, Joel M.....                        | Tennessee.....      | 40....      | Merchant.....           | Cassville, Mo.              |
| Green, Moses P.....                         | Virginia .....      | 47....      | Lawyer.....             | Hannibal, Mo.               |
| Harris, Thos. B.....                        | Kentucky .....      | 50....      | Farmer.....             | Concord, Mo.                |
| Henderson, David.....                       | Virginia.....       | 63....      | Physician.....          | Dent Court House, Mo.       |

| <i>Names of Members.</i>    | <i>Nativity.</i>   | <i>Age.</i> | <i>Profession.</i>  | <i>Post Office Address.</i> |
|-----------------------------|--------------------|-------------|---------------------|-----------------------------|
| Holcomb, Ethan A.....       | Ohio.....          | 34.....     | Lawyer.....         | Keytesville, Mo.            |
| Holdsworth, John H.....     | New York.....      | 57.....     | Farmer.....         | Long Branch, Mo.            |
| Holland, Willis S.....      | Kentucky.....      | 40.....     | Physician.....      | Calhoun, Mo.                |
| Hughes, Benj. F.....        | Missouri.....      | 35.....     | Physician.....      | Sedalia, Mo.                |
| Hume, Joseph F.....         | Missouri.....      | 43.....     | Physician.....      | California, Mo.             |
| Husmann, George.....        | Germany.....       | 38.....     | Nurseryman.....     | Hermann, Mo.                |
| King, Wyllys.....           | Connecticut.....   | 62.....     | Merchant.....       | St. Louis.                  |
| Leonard, Reeves .....       | Missouri.....      | 27.....     | Major Mo. Vols..... | Fayette, Mo.                |
| Linton, Moses L.....        | Kentucky.....      | 57.....     | Physician.....      | St. Louis.                  |
| McKernan, John F.....       | Ohio.....          | 38.....     | Merchant.....       | Osage City, Mo.             |
| McPherson, Archibald M..... | North Carolina.... | 63....      | Surveyor .....      | Altenburg, Mo.              |
| Mack, John A.....           | Virginia .....     | 58.....     | Farmer.....         | Springfield, Mo.            |
| Martin, Alex. H.....        | Virginia .....     | 48.....     | Clerk .....         | Troy, Mo.                   |
| Meyer, Ferdinand .....      | Prussia.....       | 38.....     | Merchant.....       | St. Louis.                  |
| Mitchell, James P.....      | Pennsylvania ..... | 50.....     | Farmer.....         | Primrose, Mo.               |
| Morton, Wm. A.....          | Kentucky.....      | 53.....     | Physician.....      | Liberty, Mo.                |
| Newgent, Andrew G.....      | Indiana.....       | 49.....     | Merchant.....       | Kansas City, Mo.            |
| Nixdorf, Anton P.....       | Prussia.....       | 33.....     | Physician.....      | Pleasant Farm, Mo.          |
| Owens, James W.....         | Missouri.....      | 35.....     | Lawyer.....         | Washington, Mo.             |
| Peck, Dorastus.....         | New York.....      | 62.....     | Physician.....      | Ironton, Mo.                |
| Rankin, Jonathan T.....     | Tennessee .....    | 43.....     | Merchant.....       | Greenfield, Mo.             |
| Rohrer, Philip J.....       | Germany.....       | 43.....     | Teacher .....       | Lebanon, Mo.                |
| St. Gem, Gustavus.....      | Missouri.....      | 40.....     | Merchant.....       | Ste. Genevieve, Mo.         |
| Smith, Eli .....            | Ohio.....          | 43.....     | Farmer.....         | Smithton, Mo.               |
| Smith, Knight G.....        | Virginia .....     | 34.....     | Physician.....      | Princeton, Mo.              |
| Strong, George P.....       | Connecticut.....   | 51.....     | Lawyer.....         | St. Louis.                  |
| Sutton, James T.....        | Tennessee .....    | 45.....     | Farmer.....         | Coldwater, Mo.              |
| Swearingen, John R.....     | Kentucky.....      | 72.....     | Clerk of Court..... | Independence, Mo.           |
| Switzler, Wm. F.....        | Kentucky.....      | 46.....     | Editor.....         | Columbia, Mo                |
| Thilenius, Geo. C .....     | Germany.....       | 36.....     | Merchant.....       | Cape Girardeau, Mo.         |
| Weatherby, Lewis H.....     | New York.....      | 36.....     | Lawyer.....         | Maysville, Mo.              |
| Williams, Jeremiah.....     | Pennsylvania ..... | 41.....     | Physician .....     | Kingston, Mo.               |
| Williams, Eugene .....      | Tennessee .....    | 33.....     | Merchant.....       | Memphis, Mo.                |

# JOURNAL

OF THE

## MISSOURI STATE CONVENTION,

*Begun and held in the City of St. Louis, on Friday, the 6th day of January, A. D. 1865,  
in pursuance of "An act to provide for calling a State Convention," passed  
by the General Assembly of said State, February 13th, 1864.*

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### AN ACT

#### TO PROVIDE FOR CALLING A STATE CONVENTION.

WHEREAS, In the opinion of the General Assembly, the condition of affairs in the State demands that a Convention of the people be called to take such action as the interest and welfare thereof may require; therefore,

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That an election of delegates to a Convention of the people of the State of Missouri shall be held, at the several places of voting in this State, on the Tuesday after the first Monday in November, one thousand eight hundred and sixty-four, which election shall be managed and conducted by the sheriffs, or other proper officers, of the counties, respectively, in the same manner, and according to the same rules and regulations, as are now prescribed by law for the election of members of the General Assembly; and the Governor is hereby required and directed to issue his proclamation to the several sheriffs of the State, immediately after the passage of this act, requiring them to hold and conduct said election according to law, and the said sheriff's shall advertise the time and place of holding said election, for at least thirty days before said election, by publication in the several newspapers of their respective counties, and by posting notices at ten public places in each county.

SEC. 2. Each State Senatorial District, as now constituted by law, shall be entitled to elect twice as many delegates to said Convention, as said district is now entitled to members in the State Senate.

SEC. 3. No person shall be a member of said Convention who shall not have attained to the age of twenty-four years, who shall not be a free white male citizen of the United States, who shall not have been a citizen of this State two years, and of the district he represents one year, next before his election, and who is not otherwise qualified in accordance with existing laws and ordinances of the State, prescribing the necessary qualifications of members of the General Assembly.

SEC. 4. In all districts, composing two or more counties, the clerks of all the counties shall transmit to the clerk of the county first named by the law now forming said district, or in case there be no such clerk there, then to the clerk of the county as shall have one next named by the law, now forming said district, on the thirtieth ayd succeeding said election, a certificate, under their hands, of the number of votes given for each candidate in each respective county, and said returns shall be sent by special messengers, who shall receive the sum of five dollars a day for their services, to be paid out of the treasury of the county from which said return may be sent. The clerk of

the county, to which returns shall be made, after examining the same, shall give to the person showing the highest number of votes (including the soldiers' vote), according to the number of delegates to which each district is entitled, certificates of election under the seal of his office, and said clerks shall also certify said returns to the Secretary of State, as now provided by law in case of the election of Senators.

SEC. 5. The delegates elected under the provisions of this act, shall assemble in St. Louis, on the 6th day of January, 1865, and organize themselves into a Convention by the election of a President, and other officers as they may deem necessary, and shall proceed to consider, first, such amendments to the Constitution of the State as may be by them deemed necessary for the emancipation of slaves; second, such amendments to the Constitution of the State as may be by them deemed necessary to preserve in purity the elective franchise to loyal citizens, and such other amendments as may be by them deemed essential to the promotion of the public good.

SEC. 6. Said Convention shall adopt such rules and regulations for its government, and the proper transaction of business, as they shall think proper. They shall have the same privileges as the members of the General Assembly now have by law; and the officers, members, and assistants of said Convention, shall receive the same compensation as is now allowed by law to the officers, members, and assistants of the House of Representatives, and said compensation shall be allowed and paid them in the same manner.

SEC. 7. In cases of contested elections to said Convention, the contending candidates shall pursue the same course, and be governed by the same rules, as are now prescribed by law in relation to contested elections for members of the General Assembly; and the Convention shall be the judge of all such contested elections for membership therein.

SEC. 8. In case of vacancy occurring in said Convention, by death, resignation, or otherwise, of any member, the same shall be filled in the same manner as now prescribed by law for filling vacancies in the State Senate.

SEC. 9. All persons qualified to vote for

members of the General Assembly under existing laws and ordinances, shall be entitled to vote for delegates to said Convention.

SEC. 10. At the time and places of voting aforesaid, the qualified voters of said State shall be permitted to vote "for a State Convention" or "against a State Convention," and the votes so cast shall be certified and returned to the Secretary of State, with the returns for the delegates to the Convention; and if a majority so voting shall have voted "for a Convention," the Convention shall assemble, and proceed to the discharge of the duties assigned to that body under this act; but if a majority so voting shall have voted "against a Convention," the Convention shall not assemble, nor shall the delegates elected have any authority to act in the premises; and the Secretary of State shall announce the result of said election on the 20th day of December next thereafter.

This act shall take effect and be in force from and after its passage.

Approved, February 13, 1864.

OFFICE SECRETARY OF STATE,  
*City of Jefferson, Missouri.*

I, MORDECAI OLIVER, Secretary of State, in pursuance of an act of the General Assembly entitled "An act to provide for calling a State Convention," approved February 13th, 1864, do hereby announce, that of the votes cast for and against a Convention, at the general election held in this State on Tuesday, November 8th, 1864, a large majority were cast in favor of a Convention.

The members elect of the Convention will therefore assemble in the city of St. Louis, on the 6th day of January, 1865.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of [L. S.] office, at office, in the city of Jefferson, this 20th day of December, 1864.

M. OLIVER, *Sec'y of State.*

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The Missouri State Convention assembled in the small hall of the Mercantile Library building, in the city of St. Louis, on Friday, the sixth day of January, eighteen hundred and sixty-five, pursuant to the above act, and was called to order by CHARLES D. DRAKE, of St. Louis, who nominated ARNOLD KREKEL, of St. Charles, as temporary Chairman, who was elected.

On motion of FERDINAND MEYER, of St. Louis, Amos P. Foster of Franklin county, was elected to act as temporary Secretary.

On motion of Mr. DRAKE, Rev. Thomas Cole was invited to open the Convention with prayer, which he came forward and did.

Mr. STRONG of St. Louis, offered the following resolution, which was adopted:

*Resolved*, That the Chair appoint a committee of five to receive and examine the credentials of members of the Convention, and that the committee be directed to report to-morrow morning at 10 o'clock.

The Chair appointed the following as such committee, viz: Messrs. Strong, of St. Louis; Green, of Marion; Bonham, of Andrew; Mack, of Green, and Sutton, of Wayne.

Mr. MEYER of St. Louis, offered the following resolution:

*Resolved*, That a committee of three be appointed by the Chair, whose duty it shall be to contract with a suitable person, properly qualified, to report the proceedings of the Convention, and that they report to-morrow morning at 10 o'clock.

Upon suggestion, the resolution was temporarily withdrawn.

Mr. GREEN, of Marion, offered the following resolution, which was adopted:

*Resolved*, That a committee of five be appointed by the Chair to report what officers are necessary to be appointed by the Convention for the transaction of its business.

The Chair appointed the following as such committee, viz: Messrs. Green, of Marion; Owens, of Franklin; Gilstrap, of Macon; Drake, of St. Louis, and Fletcher, of Jefferson.

Mr. D'OENCH, of St. Louis, offered the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed by the Chair, for the purpose of perfecting the arrangements in reference to the hall and seats for the accommodation and use of the Convention.

The Chair appointed as such committee the following gentlemen, viz: Messrs. D'Oench, Bush, and Meyer, of St. Louis.

Mr. OWENS, of Franklin, offered the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed by the Chair to report rules for the government of this Convention and its proceedings.

The Chair appointed as such committee, Messrs. Owens, Clover, and Thilenius.

Upon motion, the Convention adjourned till 11 o'clock to-morrow morning.

## SECOND DAY.

SATURDAY, JANUARY 7th, 1865.

The Convention met pursuant to adjournment.

Prayer by Rev. Thomas Cole.

The Secretary called the roll, and the following members answered to their names:

Messrs. Bedford, Bonham, Budd, Bunce, Buh, Childress, Clover, Cowden, Davis of Ney Madrid, Davis of Nodaway, Dodson, D'Oench, Drake, Esther, Evans, Filley, Folnsbee, Fulkerson, Gilbert of Lawrence, Gillert of Platte, Gilstrap, Grammer, Green, Harris, Henderson, Holecomb, Holsworth, Holland, Hughes, Hume, Husnann, King, Krekel, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Morton, Newgent, Nixdrf, Owens, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Sweaingen, Switzler, Thilenius, Weatherby, and Williams of Caldwell.

The journal of yesterday's proceedings was read, and, on motion of Mr. DRAKE, the Secretary was ordered to strike out the word "honorable" where it occurs in the records.

Journal of proceedings approved.

Mr. STRONG, Chairman of the Committee on Credentials, presented the following report:

The Committee on Credentials would respectfully report that the following persons appear to have been duly elected members of this Convention:

From the First Senatorial District—Arnold Krekel, of St. Charles county.

From the Second Senatorial District—John W. Gamble, of Audrain county, and Alexander H. Martin, of Lincoln county.

From the Third Senatorial District—Wil-

liam F. Switzler, of Boone county, and Thomas B. Harris, of Callaway county.

From the Fourth Senatorial District—Moses P. Green, of Marion county, and John H. Holdsworth, of Monroe county.

From the Fifth Senatorial District—James P. Mitchell, of Lewis county.

From the Sixth Senatorial District—Ethan A. Holcomb, of Chariton county, and Reeves Leonard, of Howard county.

From the Seventh Senatorial District—Abner L. Gilstrap, of Macon county, and Isham B. Dodson, of Adair county.

From the Eighth Senatorial District—John H. Ellis, of Livingston county.

From the Ninth Senatorial District—Knight G. Smith, of Mercer county, and William H. Folmsbee, of Daviess county.

From the Tenth Senatorial District—Jermiah Williams, of Caldwell county.

From the Eleventh Senatorial District—David Bonham, of Andrew county, and John H. Davis, of Nodaway county.

From the Twelfth Senatorial District—Lewis H. Weatherby, of DeKalb county, and Eli Smith, of Worth county.

From the Thirteenth Senatorial District—Samuel A. Gilbert, of Platte county, and William A. Morton, of Clay county.

From the Fourteenth Senatorial District—John R. Swearingen, of Jackson county, and Andrew G. Newgent, of Jackson county.

From the Fifteenth Senatorial District—Willis S. Holland, of Henry county.

From the Sixteenth Senatorial District—Frederick M. Fulkerson, of Saline county, and Benjamin F. Hughes, of Pettis county.

From the Seventeenth Senatorial District—Jonathan T. Rankin, of Dade county, and Philip J. Rohrer, of Cedar county.

From the Eighteenth Senatorial District—Joel M. Grammer, of Barry county, and Archibald Gilbert, of Lawrence county.

From the Nineteenth Senatorial District—Robert L. Childress, of Webster county, and John A. Mack, of Green county.

From the Twentieth Senatorial District—Rives C. Cowden, of Polk county, and John Esther, of Laclede county.

From the Twenty-first Senatorial District—James W. Owens, of Franklin county, and George Husmann, of Gasconade county.

From the Twenty-second Senatorial District—Ellis G. Evans, of Crawford county, and David Henderson, of Dent county.

From the Twenty-third Senatorial District—John W. Fletcher, of Jefferson county.

From the Twenty-fourth Senatorial District—Dorastus Peck, of Iron county, and James T. Sutton, of Wayne county.

From the Twenty-fifth Senatorial District—Alfred M. Bedford, of Mississippi county, and Samuel T. Davis, of New Madrid county.

From the Twenty-sixth Senatorial District—George C. Thilenius, of Cape Girardeau county, and Archibald M. McPherson, of Perry county.

From the Twenty-seventh Senatorial District—John F. McKernan, of Cole county, and Anton P. Nixdorf, of Miller county.

From the Twenty-eighth Senatorial District—Joseph F. Hume, of Moniteau county, and Harvey Bunce, of Cooper county.

From the Twenty-ninth Senatorial District—William D' Oench, of St. Louis county; Henry A. Clover, of St. Louis county; Wyllys King, of St. Louis county; Chauncey I. Filley, of St. Louis county; Charles D. Drake, of St. Louis county; Ferdinand Meyer, of St. Louis county; George K. Budd, of St. Louis county; Moses L. Linton, of St. Louis county; Isidor Bush, of St. Louis county, and George P. Strong, of St. Louis county.

All of whom have presented certificates of election in due form, except James P. Mitchell, of the Fifth District, and George Husmann, of the Twenty-first District, whose certificates have been left at home, or have failed to reach them; also, Messrs. Rankin and Rohrer, of the Seventeenth District, who have presented certificates from the Secretary of State. The Committee are satisfied that these four gentlemen have been duly elected members of this Convention. The Committee, therefore, recommend that the above named persons be enrolled as members of this Convention.

All of which is respectfully submitted.

GEORGE P. STRONG, *Chairman.*  
ST. LOUIS, January 6, 1864.

Mr. GREEN, Chairman of the Committee on Permanent Officers, made the following report:

*To the President of the Missouri State Convention:*

The committee appointed to report on permanent officers needed by the Convention for the transaction of business, beg leave to report as follows: That, in their opinion, there should be a President, Vice President, Secretary, Assistant Secretary, Doorkeeper, and Sergeant-at-arms.

Respectfully submitted,

M. P. GREEN, *Chairman.*

On motion of Mr. DRAKE, the Convention proceeded to the election of permanent officers.

Nominations for President being in order, Mr. OWENS placed in nomination Mr. Henry A. Clover, of St. Louis.

Mr. FOLMSBEE placed in nomination Mr. Arnold Krekel, of St. Charles.

Mr. LINTON placed in nomination Mr. George K. Budd, of St. Louis.

Mr. BUDD withdrew his name.

The vote being taken, Mr. Krekel received 36 votes, and Mr. Clover received 20 vdes, as follows:

For Mr. KREKEL—Messrs. Bonham, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Esher, Filley, Folmsbee, Gamble, Fulkerson Gil-

bert of Lawrence, Gilstrap, Green, Holcomb, Holdsworth, Holland, Hume, Husmann, King, Linton, McPherson, Mack, Martin, Mitchell, Peck, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Sutton, Weatherby, and Williams of Caldwell—36.

For Mr. CLOVER—Messrs. Bedford, Budd, Bush, Davis of New Madrid, Evans, Fletcher, Harris, Hughes, Krekel, Leonard, McKernan, Meyer, Morton, Newgent, Nixdorf, Owens, Strong, Swearingen, Switzler, and Thilenius—20.

ABSENT—Messrs. Bunee, Gilbert of Platte, Grammer, and Henderson—4.

Mr. Krekel having received a majority of all the votes cast, was declared duly elected President of the Convention, which, on motion of Mr. BUSH, was declared unanimous by acclamation.

Upon motion, Messrs. Gilstrap and Drake were appointed a committee to conduct Mr. Krekel to the chair, which was done.

Nominations for Vice President being next in order, Mr. CLOVER placed in nomination Mr. Charles D. Drake, of St. Louis, and moved he be declared the unanimous choice of the Convention by acclamation, which was agreed to.

Nominations for Secretary being next in order, Mr. MEYER, of St. Louis, placed in nomination Mr. Amos P. Foster, of Franklin county, for Secretary of the Convention; and, upon motion of Mr. D'OENCH, he was declared unanimously elected by acclamation.

Nominations for Assistant Secretary being next in order, Mr. GILSTRAP placed in nomination Mr. Thomas Proctor, of Macon county.

Mr. BUDD placed in nomination Mr. S. R. Weed, of St. Louis.

Col. J. W. Stephens and Capt. Leeper were also placed in nomination, but their names were withdrawn.

The vote was then taken and resulted as follows:

For THOMAS PROCTOR—Messrs. Bedford, Bonham, Childress, Davis of Nodaway, Dodson, Esther, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Green, Holcomb, Holdsworth, Holland, Hume, McKernan, McPherson, Mack, Mitchell, Newgent, Nixdorf, Peck, Rohrer, Smith of Mercer, Smith of Worth, Sutton, Swearingen, Thilenius, Weatherby, and Williams of Caldwell—31.

For Mr. WEED—Messrs. Budd, Bush, Clover, Cowden, Davis of New Madrid, Drake, D'Oench, Evans, Filley, Fletcher,

Gilbert of Platte, Harris, Husmann, Hughes, King, Leonard, Linton, Martin, Meyer, Morton, Owens, Strong, Switzler, and Mr. President—24.

ABSENT—Messrs. Bunee, Ellis, Grammer, Henderson, and Rankin—5.

Mr. Proctor having received a majority of all the votes cast, was declared duly elected as Assistant Secretary.

Nominations for Doorkeeper being next in order, Mr. D'OENCH placed in nomination Mr. Schuster, of St. Louis, and Mr. MEYER placed in nomination Mr. Henry J. Stierlin, of St. Louis, and the vote being taken stood as follows:

For Mr. STIERLIN—Messrs. Bedford, Bonham, Budd, Childress, Davis of New Madrid, Davis of Nodaway, Dodson, Drake, Esther, Filley, Fletcher, Folmsbee, Fulkerson, Gamble, Gilstrap, Gilbert of Lawrence, Gilbert of Platte, Green, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzler, Thilenius, Weatherby, Williams of Caldwell, and Mr. President—49.

For Mr. SCHUSTER—Messrs. Bush, Clover, Cowden, and D'Oench—4.

ABSENT—Messrs. Bunee, Ellis, Evans, Grammer, Harris, Henderson, Morton—7.

Mr. Stierlin having received a majority of all the votes cast, was declared duly elected Doorkeeper.

Nominations for Sergeant-at-arms being next in order, Mr. STRONG nominated Mr. John W. Stephens, of Phelps county, and Mr. OWENS nominated Mr. Hequemburg, of St. Louis, and the vote being taken stood as follows:

For Mr. STEPHENS—Messrs. Bedford, Bonham, Childress, Clover, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, Ellis, Esther, Evans, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Green, Harris, Henderson, Holland, Holdsworth, Hume, Leonard, Mack, Martin, Mitchell, Morton, Newgent, Peck, Rankin, Strong, Sutton, Swearingen, and Mr. President—33.

For Mr. HEQUEMBURG—Messrs. Budd, Bunee, Bush, D'Oench, Drake, Filley, Fletcher, Folmsbee, Fulkerson, Holcomb, Hughes, Husmann, King, Linton, McPherson, McKernan, Meyer, Nixdorf, Owens, Smith of Mercer, Thilenius, and Williams of Caldwell—22.

ABSENT—Messrs. Grammer, Rohrer, Smith of Worth, Switzler, Weatherby—5.

Mr. Stephens having received a majority of all the votes cast, was declared duly elected Sergeant-at-arms.

Upon motion of Mr. BUDD, the law authorizing the holding of this Convention was ordered to be spread upon the journal.

Mr. GILSTRAP offered the following resolution, which was read and agreed to:

*Resolved*, That the President appoint two Pages for the Convention.

The PRESIDENT appointed Masters George H. Pratt and Charles A. T. Stock, as Pages.

Mr. DRAKE offered the following resolution:

*Resolved*, That the Rev. Thomas Cole be appointed Chaplain of the Convention during its sessions.

Mr. STRONG offered the following as a substitute:

*Resolved*, That a committee of three be appointed to arrange with the loyal clergymen of St. Louis to attend the meetings of this Convention each morning, to open them with prayer.

Mr. FILLEY offered the following resolution:

*Resolved*, That the Rev. Mr. Cole be appointed by the President Chaplain of the Convention, and that a committee of three be appointed to arrange with the loyal clergy of the State to open the proceedings of the Convention every morning with prayer.

After debate, the substitute offered by Mr. Strong was adopted.

On motion, the Convention adjourned until next Monday morning at 10 o'clock.

## THIRD DAY.

MONDAY, JANUARY 9th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer was offered by Rev. Dr. Nelson.

The Secretary called the roll of members, and the following gentlemen answered to their names :

Messrs. Bedford, Bonham, Budd, Bunce, Bush, Childress, Clover, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Esther, Evans, Filley, Fletcher, Folmsbee, Fulkerston, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Grammer, Green, Harris, Holcomb, Holdsworth, Holland, Hughes, Hume, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Morton, Newgent, Nixdorf, Owens, Peek, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzler, Thilenius, Weatherby, Williams of Caldwell, and Mr. President—58.

ABSENT—Messrs. Henderson, Husmann, and Rohrer—3.

The journal of the proceedings of the last session was read and approved.

Mr. MEYER offered the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed, whose duty it shall be to contract with a suitable person or persons, properly qualified, to report the debates and proceedings of this Convention.

Mr. D'OENCH offered the following resolution, which was adopted:

*Resolved*, That the oath of the Convention be administered to the Secretary, Assistant Secretary, Doorkeeper and Sergeant-at-arms.

Judge OWENS came forward and administered the oath to the said officers.

Mr. STRONG, from the Committee on Credentials, submitted the following:

The Committee on Credentials would respectfully report, that William B. Adams has presented a certificate of his election as a member of this Convention, in due form, and we recommend that he be enrolled as a member of this body, from the First Senatorial District.

By order of the committee.

GEO. P. STRONG, Chairman.  
ST. LOUIS, Jan. 9, 1865.

Mr. BUDD offered the following resolution, which was withdrawn:

*Resolved*, That in the absence of the report of the Committee on Rules for the government of this Convention, the rules contained in Jefferson's Manual shall govern this body.

Mr. OWENS, Chairman of the Committee on Rules for the Government of the Convention, presented the following report:

Mr. PRESIDENT: The committee which was appointed to report rules for the government of this Convention, would most respectfully report, that they recommend the adoption of the rules adopted by a Convention which assembled in the City of Jefferson, on the 17th day of November, 1845, and found on pages 11, 12, 13, 14, 15 and 23,

except the following words in rule No. 49: "And no member shall be allowed pay for any day that he shall be absent from the session of the Convention, unless he shall be prevented from attending from sickness."

We also recommend the adoption of the following additional rule:

"That it shall be the duty of the Vice President to discharge the duties of the Chair when the President of the Convention shall be temporarily absent, and when the President shall be otherwise engaged."

Your committee would further recommend the adoption of this report, and that one hundred copies of said rules be printed for the use of the Convention.

OWENS, *Chairman.*

Upon motion, the report was adopted.

The rules reported are as follows:

**RULES FOR THE GOVERNMENT OF THE CONVENTION TO REVISE AND ALTER THE CONSTITUTION OF THE STATE OF MISSOURI.**

**OF THE PRESIDENT.**

*First.* He shall take the chair every day at the hour to which the Convention shall have adjourned; shall immediately call the members to order, and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

*Second.* He shall preserve order and decorum; may speak to points of order in preference to the members, rising from his seat for that purpose; and shall decide all questions of order, subject to an appeal to the Convention, by any two members; on which appeal no member shall speak more than once, unless by leave of the Convention.

*Third.* He shall rise to put a question, but may state it sitting.

*Fourth.* When a question has been put, if the President doubts, or if a division be called for, the Convention shall divide; those in the affirmative shall rise from their seats, and afterward those in the negative. The President shall then arise and state the decision of the Convention.

*Fifth.* All committees shall be appointed by the President, unless otherwise specially directed by the Convention, in which case they shall be appointed by an open vote of the Convention.

*Sixth.* The President shall examine and correct the journal before it is read; he shall have a general superintendence of the hall; he shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

*Seventh.* In case of any disturbance or disorderly conduct in the lobby, he (or the Chairman of the Committee of the Whole Convention) shall have power to order the same to be cleared.

*Eighth.* No person shall be admitted within the bar but members and officers of the Convention, and such other persons as may be invited by a member of the Convention to a seat within the bar.

**OF DECORUM AND DEBATE.**

*Ninth.* When any member is about to speak in debate, or deliver any matter to the Convention, he shall rise from his seat and respectfully address himself to the President.

*Tenth.* If any member, in speaking, or otherwise, shall transgress the rules of the Convention, the President shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the Convention, if appealed to, shall decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the Convention.

*Eleventh.* When two or more members shall rise at once, the President shall name the person who is first to speak.

*Twelfth.* No member shall make use of any intemperate, personal, or improper language, nor commit any breach of order during the session of the Convention.

*Thirteenth.* No member shall speak more than twice on the same question, without leave of the Convention; nor more than once, until every member choosing to speak shall have spoken.

*Fourteenth.* Whilst the President is putting any question, or addressing the Convention, no person shall walk out of, or across, the hall; nor in such case, or when a member is speaking, shall entertain private discourse; nor whilst a member is speaking, shall pass between him and the Chair.

*Fifteenth.* No member shall vote on any question in the event of which he is immediately and particularly interested, or in any other case when he was not present when the question was put, without leave of the Convention.

*Sixteenth.* Upon a division and count of the Convention on any question, no member without the bar shall be counted.

*Seventeenth.* Every member who shall be in the Convention when a question is put shall vote, unless the Convention, for special reasons, shall excuse him.

*Eighteenth.* All motions and propositions shall be in writing, and signed by the mover, except motions to adjourn, to refer, to postpone, to print, to lay on the table, or for the previous question, or leave of absence; and every member making a proposition shall, in his place, read it distinctly to the Convention.

*Nineteenth.* When a question is made and seconded, it shall be stated by the President, or, being in writing, it shall be handed to the Secretary, and by him read aloud before debated.

*Twentieth.* After a motion is stated by the President, or read by the Secretary, it shall be deemed to be in the possession of the Convention, but may be withdrawn at any time before a decision or amendment.

*Twenty-first.* When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged, and no motion to postpone to a day certain, to commit, or postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the proposition.

*Twenty-second.* A motion to adjourn shall always be in order, and shall be decided without debate.

*Twenty-third.* All questions except those enumerated in rule twenty-first, shall be put in the order in which they are moved, except that in filling up blanks, the largest sum and the largest time shall be first put.

*Twenty-fourth.* The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by two-thirds of the members present; and until it is decided, shall preclude all amendments and further debate of the main question, and must be decided without debate.

*Twenty-fifth.* When the Convention adjourns, every member shall keep his seat until the President leaves his seat.

*Twenty-sixth.* Any member may call for a division of the question when the sense will admit of it.

*Twenty-seventh.* A motion for commitment, till it is decided, shall preclude all amendments of the main question.

*Twenty-eighth.* Motions, reports and other business may be committed at the pleasure of the Convention.

*Twenty-ninth.* No new motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, or as a substitute for the motion or proposition under debate.

*Thirtieth.* When a motion or proposition has been once carried in the affirmative or negative, it shall be in order for any member of the prevailing party to move for the reconsideration thereof at any time within three sitting days after such decision, provided that the proposition which may be adopted or rejected shall always be subject to reconsideration after two days' notice being given thereof.

*Thirty-first.* When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Convention.

*Thirty-second.* The unfinished business in which the Convention was engaged at the time of the last adjournment, shall have the preference in the orders of the day; and no motion, or any other business, shall be received without special leave of the Convention, until the former is disposed of; but any business that is made the order of a particular day, shall have the preference over other business on that day.

*Thirty-third.* Any seven members shall be

authorized to compel the attendance of absent members when there is no quorum present.

*Thirty-fourth.* Any two members shall have the right to call for the ayes and noes on any question.

*Thirty-fifth.* No member shall absent himself from the Convention, unless he have leave, or be sick and unable to attend.

*Thirty-sixth.* There shall be a committee of elections, whose duty it shall be to examine and report upon the credentials of the members returned to serve in this Convention.

*Thirty-seventh.* No standing rule shall be rescinded or altered without one day's notice being given of the motion therefor.

*Thirty-eighth.* The Secretary of the Convention shall attend during its session; shall make out and keep its journals; seasonably record all its proceedings; keep regular files of the papers; attest all process issued by the Convention, and execute the commands of the Convention.

*Thirty-ninth.* The Secretary shall not suffer any records or papers to be taken out of his custody by any member or other person.

*Fortieth.* No standing rule or order of the Convention shall be suspended or dispensed with, without the concurrence of two-thirds of the members present.

*Forty-first.* The Convention may, at any time, resolve itself into a Committee of the Whole, to consider the existing Constitution, and such propositions for the amendment or alteration thereof, as shall be referred to or made in such committee.

*Forty-second.* In forming the Committee of the Whole, the President shall leave the Chair, and a chairman to preside in committee shall be appointed by the President.

*Forty-third.* Every member addressing the Convention, shall confine himself strictly to the subject matter under debate.

*Forty-fourth.* There shall be a standing committee of five, whose duty it shall be to revise every article or amendment of the Constitution, after it is adopted by the Convention, and report the same to the Convention on the next day, or as soon thereafter as practicable; and after being thus reported, it shall be read on two several days before it shall be finally acted on; and if amended after being thus reported, it shall again in like manner be referred to, and reported by, the said committee, and again acted on by the Convention in the manner above provided.

*Forty-fifth.* All select committees shall consist of three members, unless otherwise ordered.

*Forty-sixth.* All committees shall be appointed by the President, unless otherwise ordered.

*Forty-seventh.* All questions relating to the priority of debate shall be acted on without debate.

*Forty-eighth.* No member or other person shall be permitted to smoke within the hall or lobby at any time whatever.

*Forty-ninth.* A committee of three members shall be appointed by the President, who shall scrutinize and pass upon all accounts, and keep in a book a correct statement thereof, and shall take the necessary steps to prevent the allowance of all improper and unjust claims.

*Fiftieth.* In all cases not provided for in these rules, the parliamentary practice contained in Jefferson's Manual shall govern the Convention.

*Fifty-first.* When a proposition is made to amend the Constitution, it shall be read the first time for information, and if no objection be made thereto, it shall be ordered to a second reading, as a matter of course; but if objected to on the first reading, the only question shall be: "Shall the proposition be rejected?" If not rejected, it shall go to a second reading, as a matter of course; and the second reading shall be on a subsequent day. After the second reading, it may be referred, amended, or otherwise disposed of, as a bill on its second reading; and before it is ordered to a third reading, it shall be engrossed, and upon the third reading the question shall be: "Shall the amendment be adopted?" and if adopted, it shall go without a question to the Revising Committee.

*Fifty-second.* That it shall be the duty of the Vice President to discharge the duties of the Chair when the President of the Convention shall be temporarily absent, and when the President shall be otherwise engaged.

Mr. D'OENCH offered the following resolution:

*Resolved,* That the Sergeant-at-arms be instructed to procure, during the session of the Convention, for each member, one copy of the Daily St. Louis *Democrat*.

Mr. HARRIS moved to amend by adding thereto one copy of the Daily St. Louis *Republican* for each member.

Mr. BONHAM moved to amend by allowing each member five daily papers—the members to make their own selection.

On motion of Mr. OWENS, the resolution and proposed amendments were laid upon the table.

Mr. BUDD offered the following resolution:

*Resolved,* That this Convention may resolve itself, at any time, into a Committee of the Whole, on demand of any one member, seconded by a majority of the Convention; and, when so sitting, the President shall vacate the Chair, and call any member to preside over the Committee.

The PRESIDENT stated that this proposition was embraced in the rules as adopted, whereupon Mr. BUDD withdrew his resolution.

Mr. STRONG offered the following resolution:

*Resolved,* That the Committee on Printing be instructed to have a sufficient number of the rules, adopted for the government of this body, printed for the use of the members.

The matter embraced in this resolution, being embodied in the report presented by Mr. OWENS, the resolution was withdrawn.

Mr. OWENS offered the following ordinance:

*Be it ordained by the People of the State of Missouri, in Convention assembled:*

SECTION 1. The twenty-sixth, twenty-seventh, and twenty-eighth sections of the third article of the Constitution are hereby abrogated.

SEC. 2. That an ordinance passed by the Convention of the State of Missouri, on the first day of July, 1863, entitled "An ordinance to provide for certain amendments of the Constitution, and for emancipation of slaves," be, and the same is hereby abolished.

SEC. 3. That hereafter, in this State, there shall be neither slavery nor involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted; and all persons held to service or labor, as slaves, are hereby *declared free*.

Mr. D'OENCH offered the following as a substitute:

AN ORDINANCE FOR THE ABOLITION OF SLAVERY  
IN THE STATE OF MISSOURI.

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:*

Slavery and involuntary servitude, except for crime, are hereby abolished in this State; and all negroes and mulattoes now held as slaves in Missouri, shall become absolutely free from and after the passage of this ordinance.

Mr. STRONG offered the following ordinance of emancipation:

AN ORDINANCE FOR THE ABOLITION OF SLAVERY  
IN THE STATE OF MISSOURI.

WHEREAS, The system of American slavery, originating in grievous wrong to a weak and helpless race, has proved a fruitful source of discord and alienation among the States of the Federal Union—a fatal error in our republican principles, destructive of the peace of the nation, of the prosperity of our civil institutions, and has at length involved us in a rebellion, unprovoked, inexcusable in its origin, and unparalleled in the atrocity and wickedness of its prosecution; therefore, in the name of justice and humanity—to promote the welfare of the African race—the peace and prosperity of this Commonwealth, and the perpetual union of these United

States—invoking the blessing of Almighty God upon the act—we, the people of Missouri, in Convention assembled, do ordain and declare—

*First*—That slavery in Missouri is hereby abolished, and all those heretofore held in bondage within this State, are hereby emancipated.

*Second*—That hereafter, in this State, there shall be neither slavery nor involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted.

*Third*—That all provisions of the present Constitution of this State, and all laws and ordinances inconsistent with the provisions of this ordinance, are hereby repealed and abrogated.

Mr. FILLEY offered the following resolution:

*Resolved*, That all ordinances or propositions concerning the amending or changing the present Constitution, shall be referred, without debate, to the proper committees which shall be appointed by the President.

Mr. OWENS offered the following resolution:

*Resolved*, That the ordinance introduced by Mr. Owens, upon the subject of abolishing slavery in this State, and also the substitute offered by Mr. D'Oench, and the substitute to the substitute, offered by Mr. Strong, be printed, and made the special order for Tuesday, the 10th day of January, 1865, at ten o'clock.

Mr. BONHAM offered the following resolution, which was withdrawn, viz:

*Resolved*, That it is the opinion of this Convention that the interests of Missouri will be best promoted by a complete revision of the whole Constitution.

Mr. DRAKE offered the following resolution:

*Resolved*, That the several ordinances presented, with all resolutions in relation thereto, be postponed till to-morrow at 10 o'clock.

Upon which motion he demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Adams, Bedford, Bonham, Budd, Bunce, Bush, Childress, Clover, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Esther, Evans, Filley, Fletcher, Folsom, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Grammer, Green, Harris, Holecomb, Holdsworth, Holland, Hughes, Hume, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearin-

gen, Switzler, Thilenius, Weatherby, Williams of Caldwell, and Mr. President—58.

NOES—None.

ABSENT—Messrs. Henderson, Husmann, and Rohrer.

So the resolution of Mr. Drake was adopted.

Mr. DRAKE offered the following resolutions, which were adopted:

*Resolved*, That the following committees be appointed by the President:

1st. A Committee on Boundaries, to whom shall be referred the first article of the present Constitution.

2d. A Committee on the Legislative Department, to whom shall be referred the third and thirteenth articles of the present Constitution.

3d. A Committee on the Executive Department, to whom shall be referred the fourth article of the present Constitution.

4th. A Committee on the Judicial Department, to whom shall be referred the fifth article of the present Constitution.

5th. A Committee on Education, to whom shall be referred the sixth article of the present Constitution.

6th. A Committee on Internal Improvements, to whom shall be referred the seventh article of the present Constitution.

7th. A Committee on Banks, to whom shall be referred the eighth article of the present Constitution.

8th. A Committee on the Militia, to whom shall be referred the ninth article of the present Constitution.

9th. A Committee on the Seat of Government, to whom shall be referred the eleventh article of the present Constitution.

10th. A Committee on the Mode of Amending the Constitution, to which shall be referred the twelfth article of the present Constitution.

11th. A Committee on Miscellaneous Provisions, to whom shall be referred such parts of the present Constitution as are not, by the foregoing terms of this resolution, directed to be referred to some other committee.

*Resolved*, That each of said committees shall consist of seven members.

*Resolved*, That the President of the Convention be *ex-officio* a member of each of said committees.

*Resolved*, That each of said committees shall carefully examine the parts of the present Constitution referred to them respectively, and report to the Convention such amendments thereof as they may consider expedient.

*Resolved*, That all propositions to amend the Constitution, introduced prior to the report of any committee, to which such proposition would be properly referable, shall be referred to such committee without debate.

Mr. BUDD offered the following resolution, which was adopted:

*Resolved*, That the Sergeant-at-arms be instructed to furnish the necessary stationery for the members of this Convention.

Mr. BUDD offered the following resolution, which was adopted:

*Resolved*, That a Committee (consisting of five members) on Finance be, and the same shall be appointed by the Chair, to whom shall be referred all propositions and motions regarding the present condition of the finances of the State, and that such propositions and motions, when so referred, shall be duly considered by the committee aforesaid.

Mr. SMITH of Worth offered the following preamble and resolution, which, on motion of Mr. CLOVER, were laid upon the table:

WHEREAS, All efforts, up to this time, have failed to secure to the various counties the credits they are justly entitled to for men who have actually gone into the military service; therefore, be it

*Resolved*, That the Chair appoint a committee of five to prepare a memorial to the President of the United States, and to Congress, and the Governor of this State, in reference to the draft, that some means may be devised to secure to the various counties and townships credit for the men who have gone into the service that were residents of said counties; and further, that this State may receive credit for men that have gone into the Southern army, and such others as she may be justly entitled to.

Mr. HOLCOMB offered the following resolution, which was adopted:

*Resolved*, That the first three rows of seats outside the bar, and such seats as are unoccupied inside the bar, be reserved for ladies and invited guests.

Mr. FILLEY offered the following resolution, which was adopted:

*Resolved*, That the President appoint a committee of three to provide for the printing of this Convention.

On motion, the Convention adjourned until to-morrow morning at 10 o'clock.

## FOURTH DAY.

TUESDAY, JANUARY 10th, 1865.

### STANDING COMMITTEES.

1. *On Boundaries*—Messrs. Leonard, Drake, Adams, Martin, Switzler, and Holland.

2. *On Legislative Department*—Messrs. Drake, Bunce, Clover, Rankin, Filley, Green, and King.

3. *On Executive Department*—Messrs. Green, Ellis, Husmann, Swearingen, Dodson, Gamble, and Thilenius.

4. *On Judicial Department*—Messrs. Clover, Adams, D'Oench, Esther, Smith of Worth, Owens, and Weatherby.

5. *On Education*—Messrs. Strong, Hughes, Holcomb, Williams of Caldwell, Gilbert of Platte, Evans, and Henderson.

6. *On Internal Improvement*—Messrs. Mack, Peck, Bedford, Bonham, McKernan, Smith of Mercer, and Grammer.

7. *On Banks*—Messrs. Bush, Holcomb, Linton, Mitchell, Davis of Nodaway, Fulkerston, and Sutton.

8. *On Militia*—Messrs. Newgent, Meyer, Fletcher, Holdsworth, Hume, Bonham, and Leonard.

Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. D. G. Armstrong.

The President directed the roll to be called, when the following members were present:

Messrs. Adams, Bedford, Bonham, Budd, Bunce, Bush, Childress, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D'Oench, Ellis, Esther, Filley, Fletcher, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Grammer, Green, Harris, Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McPherson, Mack, Meyer, Mitchell, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—54.

ABSENT—Messrs. Clover, Drake, Evans, McKernan, Martin, Rohrer, Switzler, and Thilenius—8.

The journal of yesterday was read by the Secretary and approved.

The following standing and special committees were then announced by the President:

9. *On Seat of Government*—Messrs. Folsombee, Nixdorf, Childress, Cowden, McPherson, Meyer, and Filley.

10. *On Mode of Amending the Constitution*—Messrs. Gilstrap, Morton, Budd, Swearingen, Husmann, and Strong.

11. *On Miscellaneous Provisions*—Messrs. Owens, Gilstrap, Strong, Martin, Rohrer, Davis of New Madrid, Gilbert of Lawrence, and Harris.

#### SPECIAL COMMITTEES.

1. *On Printing*—Messrs. Filley, D'Oench, and King.

2. *On Finance*—Messrs. Budd, Smith of Mercer, D'Oench, King, and Switzler.

3. *Committee to Employ Suitable Persons to Report Proceedings, &c.*—Messrs. Meyer, Owens, and Filley.

4. *Committee to Confer with Clergymen, &c.*—Messrs. Strong, King and D'Oench.

Mr. MEYER, Chairman of the Committee to employ a reporter to report the proceedings of the Convention, presented the following report:

The committee to whom was referred the resolution to employ a competent person to report the proceedings and debates of this Convention, report they have discharged that duty, and have employed Mr. L. L. Walbridge, a gentleman well qualified to discharge the duties, and have agreed to pay him fifteen dollars per day during the sitting of this Convention, and to commence on the 6th inst., he furnishing additional assistance when required at his own expense. All of which is respectfully submitted.

FERDINAND MEYER, *Chairman.*  
CHAUNCEY I. FILLEY.

On motion of Mr. Bush, the report was adopted.

Mr. STRONG, Chairman of Committee on Credentials, reported that Eugene Williams, of Scotland county, member elect from the Third Senatorial District, had presented his credentials, that they were correct, and he recommended that Mr. Williams be enrolled as a member.

Upon motion, the report was adopted.

Mr. Williams was enrolled, and came forward and took the oath.

Mr. STRONG offered the following resolution:

*Resolved*, That the President appoint a committee of five on emancipation, to whom the various ordinances offered yesterday, and any other similar papers, shall be referred, with instructions to report on the 14th

inst., by ordinance or otherwise, for the emancipation of slaves and the abolition of slavery.

Mr. EVANS offered the following as a substitute to the resolution offered by Mr. Strong:

*Resolved*, That a committee of seven be appointed, to be called a Committee on Freedom.

Mr. FILLEY moved to lay the resolution and substitute on the table.

Mr. BUDD demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Adams, Bush, Childress, Davis of New Madrid, Ellis, Esther, Filley, Folsombee, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Harris, Henderson, Holcomb, Husmann, Leonard, McKernan, Morton, Peck, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Switzler, and Weatherby—26.

NOES—Messrs. Bedford, Bonham, Budd, Bunce, Cowden, Davis of Nodaway, Dodson, D'Oench, Evans, Gilstrap, Grammer, Green, Holdsworth, Holland, Hughes, King, Linton, McPherson, Mack, Meyer, Mitchell, Newgent, Nixdorf, Owens, Strong, Sutton, Swearingen, Thilenius, Williams of Caldwell, and Mr. President—30.

ABSENT—Messrs. Clover, Drake, Fletcher, Hume, Martin, and Williams of Scotland—6.

So the motion to lay on the table was disagreed to.

Mr. EVANS then withdrew his substitute.

Mr. BONHAM offered the following amendment to the resolution offered by Mr. Strong: Strike out the words “without delay” and insert “on the 14th instant,” which amendment was accepted by Mr. Strong.

Mr. BUDD offered the following amendment to the amendment: To insert the “11th instant” in place of the “14th instant,” which was also accepted by Mr. Strong.

Mr. BUDD then moved the adoption of the resolution as amended.

Mr. —— demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Adams, Bedford, Bonham, Budd, Bunce, Bush, Childress, Cowden, Davis of Nodaway, Dodson, D'Oench, Ellis, Esther, Evans, Fletcher, Folsombee, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Grammer, Green, Henderson, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Newgent, Nixdorf, Owens, Peck, Rohrer, Smith of Mercer, Smith of Worth, Strong,

Sutton, Swearingen, Thilenius, Weatherby, and Williams of Caldwell—50.

**NOES**—Messrs. Clover, Davis of New Madrid, Filley, Gilbert of Platte, Harris, Holcombe, Morton, Rankin, Switzler, and Mr. President—10.

**ABSENT**—Messrs. Drake, and Williams of Scotland—2.

So the resolution as amended was adopted.

Mr. BONHAM offered the following ordinance on emancipation, which was read the first time, and, on motion, the rules governing the Convention were suspended, and the ordinance was read the second time by its title, and referred to the Committee on Emancipation:

#### ARTICLE —.

##### *On Emancipation of Slaves.*

**SECTION 1.** All men are born free and independent, and have certain inherent rights; among these are life, liberty, and the pursuit of happiness. It is, therefore, declared, that slavery and involuntary servitude shall cease to exist in Missouri, on the fourteenth day of January, A. D. eighteen hundred and sixty-five, otherwise than for the punishment of crime, whereof the party shall have been duly convicted. And all slaves within this State on that day are hereby declared to be free.

**SEC. 2.** All persons held as slaves in any of the United States, or by any foreign power, that may be brought into this State for any purpose whatever, or any slaves who may come into this State of their own free will and accord, after the fourteenth day of January, A. D. eighteen hundred and sixty-five, are hereby declared to be free.

**SEC. 3.** The Legislature shall pass laws for the protection of all persons in their right to freedom, by virtue of the next two preceding sections.

**SEC. 4.** It is hereby declared that an ordinance entitled "*An Ordinance to provide for certain amendments to the Constitution, and for emancipation of slaves,*" passed on the first day of July, A. D. eighteen hundred and sixty-three, by the State Convention, then in session at Jefferson City, in this State, is hereby abrogated, and all classes of slaves mentioned in section two of said ordinance are declared to be free in accordance with the provisions of section one of this article.

**SEC. 5.** After the first day of January, A. D. eighteen hundred and seventy, the Legislature shall pass laws extending the right of suffrage to all male negroes and mulattoes in this State, or who may thereafter come into this State, of the age of twenty-one years and upward. But no such law shall be of force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast at such election on that subject.

**SEC. 6.** The Legislature shall pass laws for the education of all persons made free by this article, between the ages of five and twenty years, and also for the education of all free negroes and mulattoes in this State, or who may hereafter come into this State, between the ages above specified.

**SEC. 7.** The Legislature shall pass laws for the maintenance of all freed persons left without support, and who are unable to provide for themselves.

**SEC. 8.** The Legislature shall pass laws for the protection of the person and property of all persons made free by this article, and negroes and mulattoes already free, and making them capable, in law, of contracting and being contracted with, giving them a right to sue and be sued in all courts of law and equity in this State.

Mr. BONHAM offered the following resolution, which was adopted:

*Resolved*, That a committee of seven be appointed on the elective franchise and the disfranchising of rebels, and that all articles offered on that subject shall be referred to said committee.

Mr. BUSH offered a resolution on representation, which was read and referred to the Committee on Legislative Department.

Mr. BONHAM introduced the following ordinance on education, which was read the first time, and, on motion, the rules governing the Convention were suspended, and the ordinance was read a second time by its title, and referred to the Committee on Education:

**SECTION 1.** The supervision of public instruction shall be vested in a State Superintendent, and such other officers as the Legislature shall direct.

**SEC. 2.** There is hereby created and established a School Fund, which shall consist of the proceeds of all lands belonging to this State known as Saline lands, and of lands now or hereafter vested in this State by escheat, or purchase, or forfeiture for taxes; the proceeds of all lands that have been, or hereafter may be, granted by the United States to this State for educational purposes, including all lands granted to this State by the United States, known as "swamp or overflowed lands;" and the clear proceeds of all fines collected in the several cities and counties for any breach of the penal laws; and the clear proceeds of all fines collected for every description of misdemeanor; and all moneys received by each county for strays forfeited by the owners thereof; and all moneys received by each county, respectively, for licenses granted for the sale of intoxicating liquors, or keeping of dram shops; and the clear proceeds of all property that may hereafter be forfeited to the State, through any cause whatever, the interest of which, together with twenty-five per centum of the State revenue, shall be annually set apart for

school purposes, and all other revenues as the Legislature may deem proper, shall be set apart and become a perpetual school fund, and be exclusively applied to the following objects, to wit: 1st, to the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor; the residue (if any) shall be applied to the support of and maintenance of academies and normal schools.

SEC. 3. The Legislature shall provide, by law, for the establishment of district schools, and such schools shall be *free* and without charge for tuition, to all children between the ages of five and twenty years. In case the public moneys shall be insufficient for tuition in any school district, the balance shall be raised by tax on all the taxable property in such district.

SEC. 4. Provision shall be made by law for the distribution of the income of the School Fund among the several cities and school districts of the State, for the support of common schools therein, in some just proportion to the number of children and youth resident therein, between the ages of five and twenty years; but no moneys shall be paid, out of the School Fund, to any school district either in city or township, unless a school has been kept at least three months within the school year for which such moneys are appropriated, and all such moneys (if any) shall be equally divided among the school districts in the township to which such money was originally appropriated, according to the number of children in each district between the ages above specified.

SEC. 5. The Legislature of this State is hereby prohibited from loaning or using the School Fund for State purposes, but shall keep it inviolate for the use and purpose above specified: *Provided*, They may pass laws to loan any part of the School Funds to individuals, upon good and sufficient real estate security, where the amount loaned exceeds one hundred dollars, and personal security in sums less than one hundred dollars, with interest not less than seven nor to exceed ten per cent. per annum, payable annually.

Mr. BONHAM introduced the following ordinance on banks and banking houses, which was read the first time, and, on motion, the rules governing the Convention were suspended, and the ordinance was read the second time by its title, and referred to the Committee on Banks:

#### ARTICLE —.

##### *On Banks and Banking Powers.*

SECTION 1. The General Assembly may incorporate banking companies in this State, with branches to be established by the Legislature, but not more than one branch to each bank shall be established at any one session

of the Legislature, and no bills shall be hereafter issued in this State, by any banking company or institution, unless such bill or bills be secured by bonds of the United States, deposited with the United States Treasurer at Washington City, in conformity with an act of Congress relative to banking, approved February twenty-fifth, eighteen hundred and sixty-three.

SEC. 2. All banking companies, or institutions, now in existence in this State, other than those organized under the act of Congress above specified, shall cease to exist after the first day of January, A. D. eighteen hundred and sixty-six, and all bills issued or discounted by any such bank after that date shall be deemed illegal currency; and all new bills issued by any such banks, or banking institutions, after the first day of February, A. D. eighteen hundred and sixty-five, shall be deemed illegal currency.

SEC. 3. The Legislature shall pass laws prohibiting, under penalty, the circulation of illegal currency, or the issuing and circulating of any bill or bills, or other evidence of debt, without authority of law.

SEC. 4. The Legislature shall pass laws withdrawing all bank stock owned by this State in "The Bank of the State of Missouri," and place the avails thereof in the hands of the State Treasurer, for the benefit and support of common schools in this State; excepting the seminary stock fund, which shall be held in trust for the seminary, as heretofore held.

SEC. 5. All moneys received, as provided in this article, may be loaned to individuals upon good and sufficient real estate security, as the Legislature may direct; but the Legislature is hereby prohibited from investing any of such moneys in Missouri or any other State public stocks.

Mr. BONHAM offered the following ordinance on internal improvement, which was read a first time, and, on motion, the rules governing the Convention were suspended, and the ordinance read a second time by its title, and referred to the Committee on Internal Improvement:

SECTION 1. The Legislature of this State are forever prohibited from passing any law for the carrying on of a system of internal improvements by the State, and all railroads, or other improvements, now in the hands of the State, or that may hereafter fall into the hands of the State, upon default of the payment of any principal or interest due, or to become due, on State bonds heretofore issued to railroad companies by authority of the Legislature, shall be disposed of by the Legislature for the benefit of the State; but the State shall not carry on such railroads by State authority, nor possess any interest in such railroads, other than the lien or liens already in the hands of the State against such defaulting railroad companies.

SEC. 2. The Legislature is hereby pro-

hibited from authorizing the issue of any State bonds to any railroad companies, or to any incorporated company in this State, or to aid in the construction of any internal improvement in this State, or making any appropriation out of the State treasury for internal improvements.

**SEC. 3.** The Legislature shall pass laws for the improvement of State and county roads, by the levying of a tax upon all taxable property in each county, respectively, said tax to be worked out by improving such roads by the overseer and residents of each road district in the State.

**SEC. 4.** All State and county roads hereafter laid out and established shall not be less than sixty feet wide, and the Legislature shall pass laws to cause all State and county roads, heretofore established, to be opened and worked, not less than sixty feet wide; and all laws passed for establishing, opening and repairing highways, shall be general and uniform throughout the State.

On motion of Mr. OWENS, Mr. Clover was added to the Committee on Emancipation.

On motion of Mr. FOLMSBEE, Mr. Ellis was added to the same committee.

Mr. STRONG moved to reconsider the motion by which the Emancipation Committee was appointed, and moved to lay that motion on the table, which latter motion was agreed to.

Mr. BUDD offered the following resolution, which was adopted:

*Resolved*, That the following civil and military officers be, and they are hereby specially invited, when in the city, to take seats within the bar of the Convention, to-wit: The Governor of the State, the Lieutenant Governor of the State, the Mayor of the city of St. Louis, the Commanding General of the Department of the Missouri, the Commander of the District of St. Louis, and such members of the Senate and House of Representatives as may, from time to time, be temporarily sojourning in the city of St. Louis.

On motion, the Convention adjourned till 3 o'clock p. m.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the Chair.

A quorum being present, the Convention proceeded to business.

The following Special Committee on Elective Franchise was announced:

Messrs. Bonham, Folmsbee, Clover, Foster, Evans, Adams, and Drake.

Mr. STRONG, Chairman of the Committee

on Credentials, reported that Mr. Gustavus St. Gem, of the Twenty-third District, had filed his credentials, and that they were correct.

On motion, Mr. St. Gem was enrolled as a member, and came forward and took the oath.

Mr. MEYER offered the following preamble and resolution, relative to the taxation of aliens or rebels, which was read the first time for information.

On motion, the rules governing the Convention were suspended, and it was read a second time by its title, and referred to the Committee on Franchise:

WHEREAS, Since the commencement of this rebellion, many persons claiming to be citizens, and exercising the elective franchise in times of peace and happiness, having since acted recreant to so high a trust and privilege, and having taken an active part in treason and rebellion, aiding in the attempt to overthrow the best Government ever bequeathed to man; and, when overtaken in their wicked designs, claim protection of some foreign Government which they had previously scorned to owe allegiance to; and contrasting those alien enemies with the good, true, liberty-loving foreigners, who, by thousands and tens of thousands, since the commencement of this rebellion, have rushed to the front, with musket in hand, to offer up their lives for the preservation of the Republic; or, unable to leave their families, have sent representative recruits, and have freely sacrificed their means, as well as standing in the foremost ranks against the abomination of slavery, and for the natural and inalienable rights of man; therefore be it

*Resolved*, That it is expedient and necessary for this Convention to so amend the Constitution of this State as to lay double taxes and licenses on all aliens, after a residence of six years; they having refused or neglected to become citizens, shall not be eligible to be employed by any person or persons having a public franchise under the laws of this State; all persons that have aided the rebellion by word, deed, or act, thereby really expatriating themselves; and, not having been convicted of treason, but refusing or neglecting to be legally endowed with citizenship, and performing the duties required as such, ought to be treated as a public enemy, and should be debarred from holding any position of trust or profit, with any person or persons doing business under a license, or holding a franchise under the laws of this State,

Mr. BUDD offered the following ordinance, providing for the education of the children of the commonwealth, which was read the first time:

**AN ORDINANCE PROVIDING FOR THE EDUCATION OF THE CHILDREN OF THE COMMONWEALTH.**

It shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to enact a law providing for the education of every child residing in the State, when such child shall have arrived at the age of eight years; and they shall be educated until they arrive at thirteen years of age at the expense of the State, free of all charge to parents or guardians, or those having legal charge of them; and to provide revenue to accomplish this object, the Legislature shall have power by law, and it shall be its duty, to levy and collect, from every male resident of the State over twenty-one years of age a *per capita* tax, and, if necessary, to obtain the end in view, power is also given to levy and collect a tax on real and personal property: *Provided*, No power shall be given to the Legislature until five years after the adoption of this Constitution to levy and collect a *per capita* tax on any person who has hitherto been a slave, but who on the adoption of this Constitution is made a free man thereby, or who has been freed by the war power of the President of the United States, or by any act of Congress. Power is also given to the Legislature, and it shall be its duty, to enact a law compelling, under adequate penalties, parents, guardians or others having the legal charge of children, to educate them in the State schools or private schools, from the age of eight to thirteen years, as aforesaid: *Provided*, They are not incapacitated from attending school by reason of physical or mental inability.

Mr. HUGHES moved to amend the ordinance offered by Mr. Budd, by inserting "eighteen," instead of "thirteen," which was decided to be out of order by the President.

Mr. HOLLAND introduced the following ordinance, declaring the qualifications of voters, which was read the first time, and laid over, under the rules, until to-morrow:

**AN ORDINANCE DECLARING THE QUALIFICATIONS OF VOTERS.**

**SECTION 1.** Every free white male citizen of the United States, who shall have attained to the age of twenty-one years, and who shall have resided in this State one year, the last three months whereof shall have been in the county or district in which he shall offer to vote, shall be deemed a qualified elector of all electors in this State: *Provided*, That no person who has taken up arms or levied war against the Government of the United States, or has directly or indirectly, by acts, words or otherwise, adhered to the enemies thereof, by giving them aid, comfort, or countenance, or who has enrolled himself as a Southern sympathizer, shall ever be allowed to vote at any election in

this State; unless, prior to this date, and since having given aid, comfort, or countenance to the enemies of the United States, he shall have served not less than one year in the army or navy of the United States, or in the volunteer service of this State, known as the Missouri State Militia, and shall have obtained an honorable discharge therefrom, or shall be still in said service.

**SEC. 2.** At the general election, in the year of our Lord 1876, the question shall be submitted to the people: "Shall negroes and mulattoes be eligible to exercise the elective franchise?" and if a majority of the qualified voters of the State shall vote in favor of the proposition, then negroes and mulattoes shall thereafter be deemed qualified electors, as provided in the case of white men in the preceding section.

**SEC. 3.** It shall be the duty of the General Assembly to require such oaths and provide such penalties as will effectually prevent persons from voting who are declared ineligible in the first section of this article.

Mr. GILBERT of Platte moved that Mr. Switzler be added to the Committee on Emancipation.

Mr. FOLMSBEE raised a point of order.

The PRESIDENT decided the motion in order.

The question then being demanded, the motion was lost.

Mr. FLETCHER offered the following resolution in relation to suffrage, which was read, and, on motion, referred to the Committee on Franchise:

*Resolved*, That from and after the 1st day of April, 1865, no man in the State of Missouri shall be entitled to vote unless he has paid his taxes for the preceding year. Any neglect of the assessor to assess the voter shall not debar him of his vote, provided he proves the assessor has neglected to place him on the book.

Mr. BONHAM offered the following ordinance in relation to suffrage, which was read the first time, and, on motion, the rules governing the Convention were suspended, and the ordinance was read the second time, and referred to the Committee on Elective Franchise:

**ARTICLE —.**

*On Suffrage.*

**SECTION 1.** Every male person of the age of twenty-one years or upward, who is a citizen of the United States, and has resided in this State one year next preceding any election, and thirty days in the county wherein he offers to vote, shall be deemed a qualified voter at such election, and shall be eligible to any office in this State.

SEC. 2. Every male person of foreign birth, of the age of twenty-one years or upward, who has resided in this State one year next preceding any election, and thirty days in the county wherein he offers to vote, and who has declared his intention to become a citizen of the United States, conformably to the laws of the United States, on the subject of naturalization, shall be deemed a qualified voter at such election, and be eligible to any office in this State, (Governor, Lieutenant Governor, Judges of the Supreme Court and Circuit Court excepted), until such persons become citizens of the United States.

SEC. 3. Citizens of the United States, who have resided in this State thirty days next preceding any Presidential election, shall have the right to vote for President and Vice President of the United States.

SEC. 4. No person shall be allowed to vote or hold office in this State, who has, since the fourth day of March, A. D. eighteen hundred and sixty-one, levied war or taken up arms against the Government of the United States, or against the Provisional Government of this State, or aided and abetted the enemy thereof, by furnishing subsistence of any kind or description, or by furnishing munitions of war of any kind or description, to persons belonging to, or being with, the Confederate army, or to guerrillas or bushwhackers.

SEC. 5. No person shall be allowed to vote or hold office in this State, who has, since the fourth day of March, A. D. eighteen hundred and sixty-one, refused to aid the Government of the United States, or the Government of the State of Missouri, in suppressing the present rebellion at any time, thereby acknowledging themselves "in sympathy with rebellion."

SEC. 6. No person shall be allowed to vote or hold office in this State, who has, since the fourth day of March, A. D. eighteen hundred and sixty-one, been adjudged by the authorities to leave the State of Missouri, or who has been adjudged to take an oath and enter into bonds, on the ground of such person or persons aiding or abetting the present rebellion, by speaking, writing, or publishing treasonable language against the Government of the United States, or the Government of this State.

SEC. 7. All persons heretofore drafted in the State of Missouri, into the service of the United States, who are absent from the State (except absent on military duty), and who shall not return and report themselves to the Provost Marshal of the district wherein he or they were drafted, before the first day of February, A. D. eighteen hundred and sixty-five, shall be precluded from the right to vote or hold office in this State, and all persons hereafter drafted in this State, who neglect or refuse to report, to the order of the Provost Marshal of the district wherein he or they may have been drafted, shall be precluded from the right to vote or hold office in this State.

SEC. 8. At the expiration of one year after the present rebellion is declared by the Government of the United States to have ended, the Legislature shall have the power to pass laws extending the right of suffrage and holding office to the classes of persons mentioned in the next three preceding sections, upon such conditions, and under such restrictions, as they may deem proper for the public welfare.

SEC. 9. All persons who shall hereafter levy war, or take up arms against the Government of the United States, or against the Government of this State; or who shall aid and abet the enemy thereof, by furnishing subsistence of any kind or description whatever, or munitions of war of any kind, or by secreting the enemy, giving them aid and comfort; or by speaking, writing, or publishing treasonable language against either Government aforesaid; or who shall refuse to aid either Government during any invasion, insurrection or rebellion, or who shall commit any treasonable act not herein enumerated, shall be precluded from voting or holding office in this State.

SEC. 10. No person being a defaulter to the United States, or to this State, or to any county, township, or school district herein, or to any State or Territory within the United States, shall be eligible to any office of trust, profit or honor in this State.

SEC. 11. Laws may be passed excluding from the right of suffrage persons convicted of felony, larceny, forgery, bribery or other infamous crime, unless restored to civil rights.

SEC. 12. All laws passed for the election of State, district and county officers, shall be general and uniform throughout the State, and all votes given for such officers shall be by ballot, not numbered. All other officers may be chosen as the Legislature may direct.

Mr. GILSTRAP offered the following ordinance relative to the abolition of slavery in this State, which was read the first time, and, on motion, the rules governing the Convention were suspended, and the ordinance was read the second time, and referred to the Committee on Emancipation:

*Be it ordained by the People of the State of Missouri, in Convention assembled:*

That the following be and is hereby adopted as a separate article in the Constitution of said State:

#### ARTICLE —.

SECTION 1. That from and after the adoption of this article, slavery or involuntary servitude, except for crime, whereof the accused shall be duly convicted, is hereby forever prohibited within this State. And all persons held to slavery, or involuntary servitude, except as aforesaid, within the State, are hereby declared free.

On motion of Mr. BUSH, Mr. D'Oench was added to the Committee on Banks.

On motion of Mr. WILLIAMS of Caldwell, Mr. Budd was added to the Committee on Education.

On motion of Mr. FLETCHER, Mr. Meyer was added to the Committee on Banks.

Mr. BUDD offered the following resolution, which was read:

*Resolved*, That the Sergeant-at-arms be, and is hereby, required to procure and furnish to each member and officer, one hundred three-cent stamps, and three hundred twenty-cent stamps, to be paid out of the contingent fund of the Convention.

Mr. FILLEY moved to lay the resolution on the table, and demanded the ayes and noes, which being taken, the vote stood as follows:

AYES—Messrs. Bush, Childress, Dodson, D’Oench, Esther, Filley, Fletcher, Fulker-  
son, Holecomb, Husmann, King, Mack,  
Meyer, Morton, Newgent, Peck, Rankin,  
St. Gem, Strong, Sutton, Thilenius, Wil-  
liams of Caldwell, and Williams of Scotland  
—23.

NOES—Messrs. Bedford, Bonham, Budd,  
Bunce, Clover, Cowden, Davis of Nodaway,  
Ellis, Evans, Folmsbee, Gamble, Gilbert of  
Lawrence, Gilbert of Platte, Grammer,  
Harris, Henderson, Holdsworth, Holland,  
Hughes, Hume, Leonard, McKernan, Mc-  
Pherson, Martin, Mitchell, Nixdorf, Rohrer,  
Smith of Mercer, Swearingen, Switzler,  
Weatherby, and Mr. President—32.

ABSENT—Messrs. Adams, Davis of New  
Madrid, Drake, Gilstrap, Green, Linton,  
Owens, and Smith of Worth—8.

So the motion to lay on the table was lost.

On motion, the resolution was then adopted.

Mr. GREEN offered the following resolution:

*Resolved*, That in the opinion of this Convention we would subserve the wishes of our constituents and promote the general good of the commonwealth by reorganizing our judicial system so as to meet the wants and interests of the progressive spirit of our people, and in such reorganization for the purpose of accomplishing these ends, and putting a new system in operation over the State, it is further our opinion, that it would be best to declare vacant all judicial offices, from the Supreme bench down, and that all vacancies for the first term be filled by the Governor.

Mr. BUDD moved to suspend the rules governing the Convention, let the resolution be read the second time, and be referred to the Committee on the Judiciary.

Mr. FLETCHER moved to lay the resolution on the table.

Mr. GREEN demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Esther, Fletcher, Gilbert of Platte, Harris, Morton, Owens, Rankin, and Switzler—8.

NOES—Messrs. Bedford, Bonham, Budd, Bunce, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D’Oench, Ellis, Evans, Filley, Folmsbee, Fulker-  
son, Grammer, Green, Henderson, Holecomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Newgent, Nixdorf, Peck, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—51.

ABSENT—Messrs. Adams, Davis of New Madrid, Drake, and Linton—4.

So the motion to lay on the table was disagreed to.

Mr. SWITZLER offered the following amendment to Mr. Green’s resolution:

Strike out the words “for the first term.”

Mr. WILLIAMS of Caldwell moved to lay the amendment offered by Mr. Switzler on the table.

By request of the PRESIDENT, Mr. Williams temporarily withdrew his motion.

On motion of Mr. GREEN, Mr. Switzler was allowed to speak the second time on the subject of his amendment.

After which, the question then being on the adoption of the amendment offered by Mr. Switzler, Mr. WILLIAMS of Caldwell demanded the ayes and noes, and the vote being taken, stood as follows,:

AYES—Messrs. Fletcher, Grammer, Leonard, Linton, Owens, and Switzler—6.

NOES—Messrs. Bonham, Budd, Bunce, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D’Oench, Ellis, Esther, Evans, Filley, Folmsbee, Fulker-  
son, Gramble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Green, Harris, Henderson, Hol-  
comb, Holdsworth, Holland, Hughes, Hume, Husmann, King, McKernan, McPherson, Mack, Martin, Mitchell, Morton, Newgent, Nixdorf, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—52.

ABSENT—Messrs. Adams, Bedford, Davis of New Madrid, Drake, and Meyer—5.

So the amendment was disagreed to.

Mr. STRONG offered the following amendment to Mr. Green’s resolution, which was accepted by Mr. Green:

Strike out the words "after the first term," and insert the words "until the first regular election for State officers."

Mr. OWENS offered the following as an amendment:

"And reduce the number of Judicial Circuits to fourteen."

Mr. MARTIN moved to also amend by inserting all county court justices, all clerks of courts of record, all sheriffs, and all assessors of the several counties.

On motion, the Convention adjourned until to-morrow morning at 10 o'clock.

## FIFTH DAY.

WEDNESDAY, JANUARY 11th, 1865.

The Convention met pursuant to adjournment, the President in the Chair.

Prayer was offered by Rev. Mr. Cox.

On calling the roll of members, the following gentlemen responded to their names, viz:

Messrs. Adams, Bedford, Bonham, Budd, Bunce, Childress, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Esther, Evans, Filley, Fletcher, Folsom, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Grammer, Green, Harris, Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Strong, Sutton, Swearingen, Switzler, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—61.

ABSENT—Messrs. Bush, Clover, and Smith of Worth—3.

The journal of yesterday's proceedings was read by the Secretary, and approved.

On motion of Mr. FILLEY, Mr. St. Gem was added to the Committee on Judicial Department.

Mr. STRONG, Chairman of the Committee on Credentials, stated that Mr. Emory S. Foster, of the Fifteenth Senatorial District, had presented his credentials, and that they were correct.

Mr. FOSTER was duly enrolled as a member, and came forward and took the oath.

Mr. BUDD presented an ordinance relative to changing the permanent seat of government, which was read the first time for information.

On motion, the rules were suspended and it was read the second time by its title, and referred to the Committee on the Seat of Government.

Mr. BUDD offered the following ordinance providing additional qualifications for voters, preventing frauds at elections, and for other purposes. Read the first time and laid over:

### AN ORDINANCE PROVIDING ADDITIONAL QUALIFICATIONS FOR VOTERS, PREVENTING FRAUDS AT ELECTIONS, AND FOR OTHER PURPOSES.

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows, to-wit:*

SECTION 1. A registry of electors is hereby created and established in each county in the State, in which shall be kept a record of all persons qualified to vote under this ordinance.

SEC. 2. The Register of Electors, in his county, shall have power, and it shall be his duty, to examine under oath all persons who make application to have their names registered [as electors], in relation to their qualifications as voters, which, if he find to be in accordance with the requirements of the constitution, ordinances and laws of the State, he shall issue his certificate of registration, duly signed and sealed, which, when exhibited to the judges of any election, shall be *prima facie* evidence of the right of the person in whose name it is issued to vote during that year.

SEC. 3. Each Register shall use a seal, bearing upon it the legend of his office.

SEC. 4. No person shall vote at any election to be hereafter held in this State, or in pursuance of the Constitution and laws thereof, whether State, county, township, or municipal, unless he exhibit to the judges thereof his certificate of registration for the current year; and the judges of elections shall cause the number of each voter's certificate to be entered upon the poll-book, opposite his name.

SEC. 5. The Governor of the State, shall, on or before the 4th day of March, 1865, and every six years thereafter, appoint said Registers of Electors, who shall hold their offices for six years, and until their successors are duly appointed and qualified.

SEC. 6. The oath required in an ordinance entitled "An ordinance defining the qualifications of voters and civil officers in this State," adopted in Convention, June 10, A. D. 1862, to be taken by electors previously to voting, shall be administered by, and subscribed to, before said Registers; and in addition thereto the following oath shall be taken by, and subscribed to, by all naturalized citizens, before said Registers, to-wit:

I, —, do solemnly swear (or affirm, as the case may be,) that I have not, during my residence within the United States, or any of the Territories thereof, in any manner claimed the protection of any foreign prince, potentate, State or sovereignty, and particularly the [here insert the name of the prince, potentate, State or sovereignty whereof the applicant was a subject.] So help me God.

SEC. 7. The certificates of registration to be issued as above provided for, shall be in numerical order, and in the following form, to-wit:

COUNTY OF —, }  
State of Missouri. }

— [Date.]

*Certificate of Registration No. —.*

This is to certify that [name] aged [years] a native of [country] residing in [ward or township] has registered his name pursuant to ordinance.

—, *Register of Electors.*

SEC. 8. Each county court, at its county seat, shall provide a suitable room in which said Register shall perform his duties, and he shall be supplied by said court with the necessary furniture and stationery.

SEC. 9. Each Register, before entering upon the performance of his duties, shall file with the clerk of his county court, an oath that he will support the constitution of the United States, of the State of Missouri, and that he will faithfully and impartially perform the duties of his office.

SEC. 10. He shall keep, in a well bound book, a copy of each certificate issued by him, showing, in alphabetical order, the names and number of electors registered from each ward or township.

SEC. 11. Each Register shall demand and receive two dollars from each person to whom he issues a certificate of registration, which he shall pay over to the Treasurer of his county at the end of each and every month, reserving, however, therefrom, sixty cents for each certificate issued by him, which shall be full compensation for his services under this ordinance. He shall also obtain duplicate receipts from said Treasurer for the amounts paid him. Each Register shall exhibit, quarterly, to the county court of his county, his books, showing the amount collected from each township by him, and presenting the Treasurer's receipt for the amount paid over.

SEC. 12. Each Register, before entering upon his duties, shall give bond, to be filed with and approved by the county court of his county, in the penal sum of two thousand dollars, with good and sufficient securities conditioned for the faithful performance of his duty; except the Register of St. Louis county, whose bond shall be five thousand dollars. Each Register shall be in his office from 9 o'clock A. M. to 4 o'clock P. M., every working day in the year, and he may employ deputies.

SEC. 13. If the Register at any time fail to comply with the provisions of this ordinance, the county court of his county shall notify the Governor of the nature of his delinquency, whereupon the Governor may remove said Register and appoint another for the remainder of the term, and said county court may enter suit in any court of competent jurisdiction, against said delinquent Register and his securities, and recover damages to the amount of his bond.

SEC. 14. The county court of each county shall appropriate all money paid into the treasury, under this ordinance, to the township school fund, to be turned over to the officers thereof upon proper requisition.

SEC. 15. Soldiers, while in active service, shall not be subject to the operations of this ordinance.

SEC. 16. Any person who shall make any false representations to any Register of Electors, for the purpose of obtaining a certificate of registration, upon conviction thereof by any court of competent jurisdiction, shall be adjudged guilty of perjury, and shall be punished therefor in accordance with existing laws.

On motion of Mr. STRONG, Mr. Bonham was added to the Committee on Education.

The ordinance offered by Mr. HOLLAND, "declaring the qualification of voters," was called up, read a second time, and referred to the Committee on Elective Franchise.

The resolution of Mr. GREEN, with its amendment, was called up, and on motion of Mr. DRAKE, the same was referred to the Committee on the Judicial Department, by the following vote, the ayes and noes having been demanded:

AYES—Messrs. Adams, Bedford, Bonham, Budd, Bunce, Childress, Clover, Davis of New Madrid, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Esther, Evans, Filley, Fletcher, Fohnsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Grammer, Green, Harris, Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen,

✓  
Switzler, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—61.

NOES—None.

ABSENT—Messrs. Bush, Cowden, and Gilstrap—3.

Mr. D'OEENCH offered the following resolution:

*Resolved*, That a Committee on Agriculture be appointed by the Chair.

On motion of Mr. BUDD, the resolution was laid on the table.

Mr. SMITH of Mercer offered the following resolution, which was adopted:

*Resolved*, That a committee of five be appointed by the Chair, whose duty it shall be to ascertain whether there is any member, or members, elected to this Convention, who have, in any way, identified themselves in favor of the rebellion, and report as soon as possible.

Mr. BEDFORD offered the following resolution, which was adopted:

*Resolved*, That the Committee on Finance be requested to inquire into the expediency of taxing all property belonging to railroad companies and churches, not now subject to taxation. Also, the expediency of prohibiting the Legislature from exempting from taxation any property whatever, until the final liquidation of the present indebtedness of the State, and report the same to this Convention.

Mr. STRONG, Chairman of the Committee on Emancipation, reported the following ordinance, and recommended its adoption:

#### AN ORDINANCE ABOLISHING SLAVERY IN MISSOURI.

*Be it ordained by People of the State of Missouri, in Convention assembled:*

That hereafter, in this State, there shall be neither slavery nor involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted; and all persons held to service or labor as slaves are hereby declared free.

Mr. STRONG moved to suspend the rules governing the Convention, so that the ordinance may be read the first, second and third time.

The motion was agreed to, and the ordinance read the first and second time.

Mr. DRAKE offered the following amendment to the ordinance:

SEC. 2. That no person can, on account of color, be disqualified as a witness, or be disabled to contract, or be prevented from acquiring, holding, or transmitting property; or be liable to any other punishment, for any offense, than that imposed on others

for a like offense; or be restricted in the exercise of religious worship, or be hindered in receiving education; or be subjected, in law, to any other restraints or disqualifications, in regard to any personal rights, than as are laid upon others under like circumstances.

SEC. 3. That no person made free by this ordinance shall be apprenticed by any county court, or other authority, to any person, except in pursuance of law hereafter passed, made specially applicable to that class of persons.

Mr. FILLEY moved the adoption of the amendment offered by Mr. Drake.

Mr. GILSTRAP moved to strike out of the first section of the amendment the words “be disqualified as a witness.”

Mr. SWITZLER moved to amend the amendment by adding, as an additional section, the following:

SEC. 4. And it shall be the duty of the Legislature to provide, by law, for apprenticeship all slaves emancipated by this ordinance, between the ages of twelve and twenty-one years.

Mr. CLOVER moved to reject the amendment of Mr. Switzer.

On which motion Mr. SWITZLER demanded the ayes and noes, and the vote, being taken, stood as follows:

AYES—Messrs. Adams, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Esther, Evans, Filley, Fletcher, Folsombee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Grammer, Green, Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—57.

NOES—Messrs. Bedford, Davis of New Madrid, Gilbert of Platte, Harris, Morton, and Switzer—6.

ABSENT—Mr. Bush

So the amendment was rejected.

Mr. FILLEY moved the rejection of Mr. Gilstrap's amendment.

Upon which, Mr. GILSTRAP demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Adams, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, D'Oench, Drake, Ellis, Esther, Evans, Filley, Fletcher, Folsombee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holcombe, Holdsworth, Holland, Hughes, Hume, Husmann, King,

Leonard, Linton, McKernan, McPherson, Mack, Meyer, Nixdorf, Owens, Peck, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—48.

**NOES**—Messrs. Bedford, Davis of New Madrid, Dodson, Gilbert of Platte, Gilstrap, Grammer, Green, Harris, Martin, Mitchell, Morton, Newgent, Rankin, Swearingen, and Switzler—15.

**ABSENT**—Mr. Bush.

So the amendment was rejected.

Mr. CLOVER moved to adjourn.

Upon which motion Mr. OWENS demanded the ayes and noes, which being taken, the motion was lost, by the following vote:

**AYES**—Messrs. Bedford, Clover, Davis of New Madrid, Fletcher, Gamble, Gilbert of Platte, Harris, Martin, Morton, and Switzer—10.

**NOES**—Messrs. Adams, Bonham, Budd, Bunce, Childress, Cowden, Davis of Nodaway, Dodson, D’Oench, Drake, Ellis, Esther, Evans, Filley, Folmsbee, Foster, Fulkerson, Gilbert of Lawrence, Gilstrap, Grammer, Green, Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Meyer, Mitchell, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—53.

**ABSENT**—Mr. Bush.

Mr. OWENS moved to amend Mr. Drake’s amendment by inserting, after the word “witness,” in the second line of the first section of the amendment, the words “or voter.”

Mr. DRAKE moved the rejection of Mr. Owens’ amendment, and on that motion Mr. Drake called for the ayes and noes, which being taken, the vote stood as follows:

**AYES**—Messrs. Adams, Bedford, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D’Oench, Drake, Ellis, Esther, Evans, Filley, Fletcher, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Grammer, Green, Harris, Henderson, Holdsworth, Holland, Hughes, Hume, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Morton, Newgent, Nixdorf, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Swearingen, Switzler, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—58.

**NOES**—Messrs. Holcomb, Husmann, Owens, and Sutton—4.

**ABSENT**—Messrs. Bush, and Strong—2.

So Mr. Owens’ amendment was rejected.

Mr. OWENS moved that Mr. Drake’s amendment be rejected, and the ayes and noes being demanded on this motion, the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Budd, Childress, Clover, Cowden, Davis of New Madrid, Dodson, Esther, Fletcher, Foster, Gamble, Gilbert of Lawrence, Gilbert of Platte, Grammer, Green, Harris, Holcomb, Husmann, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, Smith of Worth, Strong, Sutton, Swearingen, and Switzler—38.

**NOES**—Messrs. Adams, Bonham, Bunce, Davis of Nodaway, D’Oench, Drake, Ellis, Evans, Filley, Folmsbee, Fulkerson, Gilstrap, Henderson, Holdsworth, Holland, Hughes, Hume, King, St. Gem, Smith of Mercer, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—25.

**ABSENT**—Mr. Bush.

So the amendment of Mr. Drake was rejected.

Mr. STRONG moved that the Emancipation Ordinance be read a third time, and put upon its passage.

The motion was agreed to.

Mr. GILSTRAP moved a suspension of the rules requiring it to be read on three several days, which was agreed to.

Mr. BONHAM demanded the previous question, which was sustained by the Convention.

The question then being on the final adoption of the ordinance, Mr. OWENS demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Bedford, Bonham, Budd, Bunce, Bush, Childress, Clover, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D’Oench, Drake, Ellis, Esther, Evans, Filley, Fletcher, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Grammer, Green, Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—60.

**NOES**—Messrs. Gilbert of Platte, Harris, Morton, and Switzler—4.

So the Ordinance of Emancipation was adopted.

Mr. OWENS moved to reconsider the vote on the adoption of the Ordinance of Emancipation, and lay that motion on the table, which latter motion was agreed to.

On motion of Mr. OWENS, Rev. Dr. Eliot came forward and offered up a prayer of thanks.

Mr. GILSTRAP offered the following resolution, which was adopted:

*Resolved*, That the 44th rule, governing the proceedings of the Convention, be suspended, in order that the Ordinance of Emancipation may be finally adopted.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved*, That the Ordinance of Emancipation be enrolled on parchment, and signed by the members of this Convention, and attested by the Secretary.

Mr. BUDD offered the following resolution, which was adopted:

*Resolved*, That a copy of the ordinance passed by this Convention, freeing all persons hitherto held in bondage in the State of Missouri, signed by the President of the Convention, and attested as a true copy from its records, by the Secretary, be, and the same shall be, placed in the hands of a special messenger, and transmitted without delay to the Governor of the State, at Jefferson City, and, when received by him, he is requested by this Convention to issue a proclamation to the people of this State, stating that, by the irrevocable action of the Convention, slavery is abolished in the State of Missouri, now and forever.

*Resolved*, That a copy of this resolution be transmitted to the Governor.

On motion, the Convention adjourned until to-morrow morning at 10 o'clock.

## SIXTH DAY.

THURSDAY, JANUARY 12th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Kyle.

Journal of yesterday's proceedings was read by the Secretary and approved.

The roll being called, the following gentlemen answered to their names:

Messrs. Bedford, Bonham, Budd, Bunce, Bush, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Esther, Evans, Filley, Folsombee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Grammer, Green, Harris, Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, McKernan, McPherson, Mack, Martin, Mitchell, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Smith of Worth, Smith of Mercer, Strong, Sutton, Swearingen, Switzler, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President —57.

ABSENT—Messrs. Adams, Childress, Clover, Fletcher, Gilstrap, Linton, and Meyer —7.

Mr. DRAKE stated the cause of his absence from the Committee on Emancipation, at the time they met, to have been sickness, and he desired it so to be recorded on the journal, and it was so ordered.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved*, That the President of the Convention be authorized to advise the President of the United States of the adoption of the Ordinance of Emancipation.

Mr. DRAKE offered the following ordinance, which was read, viz:

AN ORDINANCE TO PROTECT EMANCIPATED NEGROES FROM APPRENTICESHIP.

*Be it ordained by the People of the State of Missouri, in Convention assembled:*

That no person emancipated by the ordinance abolishing slavery in Missouri, adopted on the 11th day of January, 1865, shall, by any county court or other authority, be apprenticed, or bound to any person for any period of time, or for any service, except in pursuance of such law as the General Assembly of this State may hereafter enact, made specially applicable to the persons so emancipated.

Upon motion of Mr. DRAKE, the rules governing the Convention were suspended, and the ordinance was read the second and third time, and put upon its final passage.

The question then being upon the adoption of the ordinance, Mr. DRAKE demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Bonham, Budd, Bunce, Bush, Childress, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D’Oench, Drake, Ellis, Esther, Evans, Filley, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Grammer, Green, Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzler, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—57.

**NOES**—Messrs. Gilbert of Platte, Harris, and Morton—3.

**ABSENT**—Messrs. Adams, Clover, Fletcher, and Gilstrap—4.

So the ordinance, as offered by Mr. Drake, was adopted.

Mr. BONHAM introduced the following ordinance:

**AN ORDINANCE RELATIVE TO ABROGATING CERTAIN PARTS OF THE CONSTITUTION.**

**SECTION I.** It is hereby declared that any section in the Constitution containing the words “white” or “slave” are hereby abrogated.

Which was read once and laid over under the rule.

Mr. MEYER offered the following resolution:

*Resolved*, That the Committee on Legislative Power be instructed to inquire into the expediency of inserting a clause into the Constitution disqualifying persons from being eligible to either branch of the General Assembly, or holding any office of honor, trust, or profit, under the Government of the State of Missouri, who have been members of the “Knights of the Golden Circle,” “Knights of the Golden Order,” or of any other secret political association of conspirators, bound by secret oaths so odious and obnoxious to the best interests of society and government, and the rights and privileges of citizens in a free republic.

Mr. ST. GEM offered the following amendment to the resolution offered by Mr. Meyer:

Amend by inserting after the word “conspirators” the words “hostile to the Government of the United States.”

Which was accepted by Mr. Meyer.

The resolution as amended was adopted, and, by order of the President, referred to the Committee on the Legislative Department.

Mr. GREEN presented five petitions from the Loyal Leagues of North Missouri, pray-

ing for a change in the judiciary system of Missouri; one of which was read for information, and, by order of the President, they were referred to the Committee on Judiciary.

Mr. DODSON offered two petitions similar to those offered by Mr. Green, which were referred to the same committee.

Mr. MITRELL offered a petition similar to those offered by Messrs. Green and Dodson, which was referred to the same committee.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved*, That when the Convention adjourns this day, it shall stand adjourned till Monday next, at 10 o’clock A. M., in order that the committees may have an opportunity to prepare business for the action of the Convention.

Mr. SMITH of Worth offered the following resolution:

*Resolved*, That the Committee on Printing be instructed to procure copies of the Ordinance of Emancipation for the use of this body.

Mr. STRONG moved to amend the resolution offered by Mr. Smith of Worth, by inserting the word “certified” before the word “copies.”

On motion of Mr. ST. GEM, Mr. Rohrer was added to the Committee on Education.

Mr. MACK offered the following resolution:

*Resolved*, That the Committee on Militia be instructed to report an amendment to the Constitution, requiring a permanent organization of the militia, and securing to those subject to militia duty the constitutional right to elect their own officers, from the highest to the lowest.

Which, on motion, was adopted, and ordered by the President to be referred to the Committee on Militia.

The following committee, for the purpose of inquiring into the loyalty of members of this Convention, was announced: Messrs. Smith of Mercer, Weatherby, Folmsbee, Martin, and Leonard.

Mr. SMITH of Worth withdrew his former resolution, and offered the following as a substitute therefor:

*Resolved*, That the Committee on Printing be instructed to procure and print five thousand copies of the Ordinance of Emancipation, as engrossed on parchment and signed by the members of the Convention, duly certified by the President and Secretary, for the use of the members of this body.

Mr. STRONG offered the following amendment to Mr. Smith's resolution:

"Insert three hundred in place of five thousand."

On motion of Mr. OWENS, the resolution offered by Mr. Smith of Worth, and the amendment thereto offered by Mr. Strong, were laid upon the table.

Mr. WEATHERBY offered the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing the county courts of the State, and committing the subjects now under the jurisdiction of those courts to different organizations.

On motion of Mr. BONHAM, the resolution was referred to the Committee on Judiciary.

Mr. BUDD offered the following resolution:

*Resolved*, That the Committee on Printing be, and they are hereby, instructed to make inquiries in St. Louis whether suitable sheets of parchment can be procured for the enrolling of the Emancipation Ordinance of Freedom, and also for the enrollment of the Constitution when it becomes the supreme law of Missouri; and, if it cannot be procured here, to take measures to procure it from the Eastern cities.

Upon suggestion from the PRESIDENT that the matter contained in Mr. Budd's resolution had been attended to, Mr. Budd withdrew it.

Mr. BUSH offered the following resolution:

*Resolved*, 1. That the President shall appoint a Revising and Enrolling Committee, to consist of five members, whose duty it shall be to examine every amendment after it is engrossed and before it is read a third time, and take care that the same is truly and correctly engrossed, and not inconsistent with other adopted amendments, and make report thereof to the Convention. 2. When any article shall be reported by the Revising Committee, it shall be read for information. If any amendment be reported by the said committee, the question shall be, "Shall the amendment be agreed to?" If the amendments be disposed of, or, if no amendments be reported, the article shall be ordered to a final reading; and, upon the final reading, the question shall be, "Shall the article be enrolled as a part of the Constitution?" and, if decided in the affirmative, it shall be referred back to the Revising and Enrolling Committee without a question. 3. The whole Constitution shall be carefully enrolled under the supervision of said committee; and, when the same shall be reported by the committee as truly enrolled, the question shall be, "Shall this Constitution be finally adopted?" and, if a majority of all the members elected to the Convention shall vote in favor of the final adoption of the Constitution, the same shall be authenticated by the signature of the President and members of the Convention present, and shall be attested by the Secretary of the Convention.

Which was laid over under the rule.

Upon motion, the Convention adjourned, to meet on Monday, January 16, 1865, at 10 o'clock A. M.

## SEVENTH DAY.

MONDAY, JANUARY 16th, 1865.

The Convention met pursuant to adjournment, the President in the Chair.

Prayer was offered by Rev. Mr. McCook.

The journal of the proceedings of the last session was read by the Secretary and approved.

The President presented a proclamation from the Governor of Missouri in reference to the Emancipation Ordinance, which was read by the Secretary.

On motion of Mr. STRONG, the proclamation was ordered to be spread upon the record:

### PROCLAMATION.

EXECUTIVE DEPARTMENT. }  
*City of Jefferson, Mo., January 11, 1865.* }

It having pleased Divine Providence to inspire to righteous action the sovereign people of Missouri, who, through their delegates in convention assembled, with proper legal authority and solemnity, have this day

*Ordained*, "That hereafter, in this State, there shall be neither slavery nor involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted; and all persons held to service or labor as slaves are hereby declared free."

Now, therefore, by authority of the su-

preme power vested in me by the Constitution of Missouri, I, THOMAS C. FLETCHER, Governor of the State of Missouri, do proclaim, that henceforth and forever no person within the jurisdiction of this State shall be subject to any abridgement of liberty, except such as the law may prescribe for the common good, or know any master but God.

IN TESTIMONY WHEREOF, I have hereunto signed my name and caused [L. S.] the Great Seal of the State to be affixed, at the City of Jefferson, this 11th day of January, A. D. 1865.

THOS. C. FLETCHER.

By the Governor:

FRANCIS RODMAN, Sec'y of State.

Mr. OWENS presented the following preamble and resolutions:

WHEREAS, There is now pending before the Congress an amendment to the Constitution of the United States, abolishing slavery in all the States and Territories; be it, therefore,

*Resolved*, That in the opinion of this Convention said amendment should be adopted, and our Representatives in Congress are hereby instructed to vote for, and use their influence in procuring the passage of, said amendment.

*Resolved*, That the President of this Convention forward to each of the members of Congress from this State, and the Speaker of the House of Representatives, a certified copy of the foregoing resolution as soon as it is adopted by this Convention.

Mr. GILSTRAP moved to amend the resolution by inserting the word "Senators" before the word "Representatives," so that the resolution shall read "Senators and Representatives."

Mr. OWENS accepted the amendment.

Mr. CLOVER moved to amend by striking out the word "instructed," and insert "requested."

Upon motion of Mr. STRONG, the amendment was rejected.

The question being upon the adoption of the resolution, Mr. GILSTRAP demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Adams, Bedford, Bonham, Budd, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Onen, Drake, Ellis, Esther, Filley, Fletcher, Folmsbee, Fulkerson, Gilbert of Lawrence, Gilstrap, Grammer, Green, Henderson, Holdsworth, Holcomb, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Meyer, Mitchell, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Smith of Worth, Strong, Sutton, Swearingen, Thilenius,

Williams of Caldwell, Williams of Scotland, and Mr. President—52.

NOES—Messrs. Davis of New Madrid, Evans, Gamble, Gilbert of Platte, and Morton—5.

ABSENT—Messrs. Bunce, Foster, Harris, Martin, Smith of Mercer, Switzler and Weatherby—7.

So the resolution was adopted.

On motion of Mr. FOLMSBEE, leave of absence was granted to Mr. Weatherby.

On motion of Mr. DRAKE, leave of absence was granted to Mr. Bunce.

On motion of Mr. FOLMSBEE, Mr. Smith of Mercer was granted leave of absence, on account of sickness.

Mr. DRAKE, Chairman of the Committee on Legislative Department, made the following report:

The majority of the Committee on the Legislative Department beg leave to report, that they have had under consideration the third and thirteenth articles of the present Constitution, and beg leave to report, in part, the following three proposed amended articles, viz:

1. Declaration of Rights;
2. Legislative Department: and
3. Impeachments.

The first two of which they recommend shall be printed for the information of the Convention, and acted on in the order in which they are named above.

Should the article on Legislative Department be finally adopted as reported, it will be necessary that a committee should be appointed, fairly representing all parts of the State, to frame an apportionment of Senators and Representatives in the General Assembly, on just principles, to stand until an enumeration of the inhabitants of the State shall afford a basis for a more exact and equal apportionment.

C. D. DRAKE, *Chairman.*

The following are the articles accompanying said report:

#### ARTICLE —.

##### *Declaration of Rights.*

That the general, great, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare—

1. That we hold it to be self-evident, that all men are created equally free, and are endowed by their Creator with certain inalienable rights, among which are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness;

2. That there can not be in this State, either slavery or involuntary servitude,

except in punishment of crime, whereof the party shall have been duly convicted:

3. That no person can, on account of color, be disqualified as a witness, or be disabled to contract, or be prevented from acquiring, holding, and transmitting property, or be liable to any other punishment for any offense than that imposed upon others for a like offense, or be restricted in the exercise of religious worship, or be hindered in acquiring education, or be subjected, in law, to any other restraints or disqualifications, in regard to any personal rights, than such as are laid upon others under like circumstances:

4. That all political power is vested in, and derived from, the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole:

5. That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States:

6. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American nation; and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said nation, ought to be resisted with the whole power of the State:

7. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and is not bound by any law or ordinance of this State in contravention or subversion thereof:

8. That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance; and that their right to bear arms in defense of themselves and of the lawful authority of the State can not be questioned:

9. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit in this State; and that no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice, unless, under the color of religion, he disturb the good order, peace, or safety of the State, or infringe the laws of morality, or injure others in their natural, civil, or religious rights:

10. That no person can be compelled to erect, support, or attend any place of worship, or to maintain any minister of the gospel or teacher of religion; but whatever contracts any person may enter into for any

such object, ought, in law, to be binding and capable of enforcement, as other contracts:

11. That no preference can ever be given, by law, to any sect or mode of worship:

12. That no religious corporation can be established in this State, except that, by a general law, uniform throughout the State, any religious society or congregation may become a body corporate, for the sole purpose of acquiring, holding, using, and disposing of so much land as may be suitable for a house of public worship, a chapel, a parsonage, and a burial ground, and managing the same, and contracting in relation to such land, and the buildings thereon, through a board of trustees selected by themselves; but the quantity of land to be held by any such body corporate, in connection with a house of worship or a parsonage, shall not exceed five acres in the country, or one acre in a town or city:

13. That every gift, sale, or devise of land to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to, or for, the support, use, or benefit of, or in trust for, any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination; and every gift or sale of goods or chattels to go in succession, or to take place after the death of the seller or donor, to or for such support, use, or benefit; and also, every devise of goods or chattels, to or for the support, use, or benefit of any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination; without the prior or subsequent sanction of the General Assembly, shall be void; except always, any gift, sale, or devise of land to a church, religious society, or congregation, for the uses and purposes, and within the limitations of the next preceding clause of this article:

14. That all elections shall be free and open:

15. That courts of justice ought to be open to every person, and certain remedy afforded for every injury to person, property, or character; and that right and justice ought to be administered without sale, denial, or delay:

16. That no private property ought to be taken or applied to public use, without just compensation:

17. That the right of trial by jury shall remain inviolate; but in all civil cases a jury shall consist of not more than six persons:

18. That in all criminal prosecutions the accused has the right to be heard by himself and his counsel; to demand the nature and cause of accusation; to have compulsory process for witnesses in his favor; to meet the witnesses against him; and, in prosecutions on presentment or indictment, to a speedy trial by an impartial jury of the vicinage; that the accused cannot be compelled to give evidence against himself, nor be deprived of life, liberty, or property, but

by the judgment of his peers, or the law of the land:

19. That no person, after having been once acquitted by a jury, can, for the same offense, be again put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court, before which the trial shall be had, may, in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of such court.

20. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great:

21. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

22. That the privilege of the writ of *habeas corpus* cannot be suspended, unless when, in cases of rebellion or invasion, the public safety may require it:

23. That the people ought to be secure in their persons, papers, houses, and effects, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, can issue, without describing the place to be searched, or the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation:

24. That no person can, for an indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, or, by leave of court, for oppression or misdemeanor in office:

25. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; and that no person can be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his own confession in open court:

26. That no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; and that the estates of such persons as may destroy their own lives shall descend or vest, as in cases of natural death:

27. That the free communication of thoughts and opinions is one of the invaluable rights of man, and that every person may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty; that in all prosecutions for libels the truth thereof may be given in evidence, and the jury may determine the law and the facts, under the direction of the court:

28. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, can be passed:

29. That imprisonment for debt cannot exist in this State, except for fines or penalties imposed for violation of law:

30. That no person who is religiously scrupulous of bearing arms can be compelled to do so; but may be compelled to pay an

equivalent for military service, in such manner as may be prescribed by law; and that no priest, preacher of the gospel, or teacher of any religious persuasion or sect, regularly ordained as such, shall be subject to military duty, or compelled to bear arms:

31. That all property subject to taxation shall be taxed in proportion to its value:

32. That no title of nobility, hereditary emolument, privilege, or distinction shall be granted, nor any office created, the duration of which shall be longer than the good behavior of the officer appointed to fill the same:

33. That the military is, and in all cases and at all times shall be, in strict subordination to the civil power; that no soldier can, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in such manner as may be prescribed by law; nor can any appropriation for the support of an army be made for a longer period than two years.

#### ARTICLE —.

##### *Legislative Department.*

SECTION 1. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall consist of one hundred members, to be chosen by the qualified voters, for two years; for the election of whom the State shall be divided into convenient districts.

SEC. 3. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-four years; who shall not be a white male citizen of the United States; who shall not have been an inhabitant of this State two years, and of the district which he may be chosen to represent one year, next before the day of his election, if such district shall have been so long established, but if not, then of the county or counties from which the same shall have been taken; and who shall not, in the year of his election, or the year next preceding, have paid a State or county tax.

SEC. 4. The Senate shall consist of thirty-two members, to be chosen by the qualified voters, for four years; for the election of whom the State shall be divided into convenient districts.

SEC. 5. No person shall be a Senator who shall not have attained the age of thirty years; who shall not be a white male citizen of the United States; who shall not have been an inhabitant of this State four years, and of the district he may be chosen to represent one year, next before the day of his election, if such district shall have been so long established, but if not, then of the district or districts from which the same shall have been taken; and who shall not, in the year of his election, or the year next preceding, have paid a State and county tax.

SEC. 6. Senators and Representatives shall be apportioned among their respective districts, as nearly as may be, according to the

number of inhabitants in each. They shall be chosen according to the apportionment established in this Constitution, until the next decennial census taken by the United States shall have been made, and the result thereof as to this State ascertained, when the apportionment shall be revised and adjusted, on the basis of that census. In the year one thousand eight hundred and seventy-five, and every tenth year thereafter, there shall be taken, under the authority of this State, a census of the inhabitants thereof; and after every such census the apportionment of Senators and Representatives may be based thereon, until the next succeeding national census; after which it may be based upon the national census until the next succeeding decennial State census; and so on, from time to time, the enumerations made by the United States and this State shall be used, as they respectively occur, as the basis of apportionment.

**SEC. 7.** Senatorial and representative districts may be altered, from time to time, as public convenience may require. When any such district shall be composed of two or more counties, they shall be contiguous.

**SEC. 8.** The first election of Senators and Representatives, under this Constitution, shall be held at the general election in the year one thousand eight hundred and sixty-six, when the whole number of Senators and Representatives shall be chosen.

**SEC. 9.** At the regular session of the General Assembly chosen at said election, the Senators shall be divided by lot into two equal classes. The seats of the first class shall be vacated at the end of the second year after the day of said election, and those of the second class at the end of the fourth year after that day; so that one-half of the Senators shall be chosen every second year. In making such division it shall be so conducted, in regard to any Senatorial District electing more than one Senator, as that the Senators from that district shall first be divided, as nearly equal as may be, into the two classes, so as to avoid the election of all the Senators from such district for the same term.

**SEC. 10.** No member of Congress, or person holding any lucrative office under the United States, or this State (militia officers, justices of the peace, and notaries public excepted), shall be eligible to either house of the General Assembly, or shall remain a member thereof after having accepted any such office, or a seat in either house of Congress.

**SEC. 11.** No person who now is, or may hereafter be, a collector or holder of public money, or assistant or deputy of such collector or holder of public money, shall be eligible to either house of the General Assembly, until he shall have accounted for and paid all sums for which he may be accountable.

**SEC. 12.** No person, while he continues to exercise the functions of a bishop, priest, clergymen, or teacher of any religious per-

suation, denomination, society, or sect, shall be eligible to either house of the General Assembly.

**SEC. 13.** The Governor shall issue writs of election to fill such vacancies as may occur in either house of the General Assembly.

**SEC. 14.** No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office under this State, which shall have been created, or the emoluments of which shall have been increased, during his continuance in office as a Senator or Representative, except to such offices as shall be filled by elections of the people.

**SEC. 15.** Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and for fifteen days next before the commencement and after the termination of each session; and for any speech or debate, in either house, they shall not be questioned in any other place.

**SEC. 16.** The members of the General Assembly shall, severally, receive from the public treasury a compensation for their services, which may, from time to time, be increased or diminished by law.

**SEC. 17.** A majority of the whole number of members of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

**SEC. 18.** Each house shall appoint its own officers; shall judge of the qualifications, elections and returns of its own members; may determine the rules of its proceedings; may arrest and punish by fine not exceeding three hundred dollars, or by imprisonment in a county jail not exceeding ten days, or both, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence during its session; may punish its members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected, may expel a member; but no member shall be expelled a second time for the same cause.

**SEC. 19.** Each house shall, from time to time, publish a journal of its proceedings, except such parts thereof as may, in its opinion, require secrecy; and the yeas and nays on any question shall be taken, and entered on the journal, at the desire of any two members. Whenever the yeas and nays are demanded, the whole list of members shall be called, and the names of absentees shall be noted, and published with the journal.

**SEC. 20.** The sessions of each house shall be held with open doors, except in cases which may require secrecy.

**SEC. 21.** Neither house shall, without the consent of the other, adjourn for more than two days at any one time, nor to any other

place than that in which the two houses may be sitting.

SEC. 22. Bills may originate in either house, and may be altered, amended, or rejected, by the other; and every bill shall be read on three different days in each house, unless two-thirds of the house where the same is pending shall dispense with this rule; and every bill, having passed both houses, shall be signed by the Speaker of the House of Representatives, and by the President of the Senate.

SEC. 23. The style of the laws of this State shall be: "Be it enacted by the General Assembly of the State of Missouri, as follows."

SEC. 24. The General Assembly shall not pass special laws divorcing any named parties; or declaring any named person of age; or authorizing any named minor to sell, lease, or encumber his or her property; or providing for the sale of the real estate of any named minor, or other person laboring under legal disability, by any executor, administrator, guardian, trustee, or other person; or changing the name of any person; or establishing, locating, altering the course, or affecting the construction of roads; or the building or repairing of bridges; or establishing, altering, or vacating any street, avenue, or alley in any city or town; or extending the time for the collection of taxes, or otherwise relieving any collector of taxes from the due performance of his official duties; or giving effect to informal or invalid deeds or wills; or legalizing, except as against the State, the unauthorized or invalid acts of any officer; or granting to any individual or company the right to lay down railroad tracks in the streets of any city or town. The General Assembly shall pass no special law for any case for which provision may at the time exist under any general law; and shall pass general laws providing, so far as it may deem necessary, for the cases enumerated in this section, and for all other cases where a general law can be made applicable.

SEC. 25. The General Assembly shall not pass any law incorporating, or authorizing the incorporation of any bank, with authority to issue notes, bills, or other paper as a circulating medium, or renewing or extending the charter of any such bank heretofore established, beyond the period now fixed by law for its termination, or relieving any such bank from any penalty or forfeiture it may have incurred, or may hereafter incur.

SEC. 26. No law shall be passed reviving or re-enacting any act heretofore passed creating any private corporation, where such corporation shall not have organized, and commenced the transaction of its business, within one year from the date of such act; nor shall any law be passed reviving any such act which has heretofore been forfeited, abandoned, or surrendered.

SEC. 27. Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes. All general or special acts passed pursuant

to this section may be altered, from time to time, or repealed.

SEC. 28. No municipal corporations, except cities, shall be created by special act; and no city shall be incorporated with less than five thousand permanent inhabitants, nor unless the people thereof, by a direct vote upon the question, shall have decided in favor of such incorporation.

SEC. 29. Dues from private corporations shall be secured by such individual liabilities, and other means as may be prescribed by law; but in all cases, each stockholder shall be liable, over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum, at least equal in amount to such stock.

SEC. 30. No private corporation for the transaction of any kind of business shall be authorized for a longer period than twenty years.

SEC. 31. The General Assembly shall never authorize any lottery, nor shall the sale of lottery tickets be allowed, nor shall any lottery heretofore authorized be permitted to be drawn, or tickets therein to be sold, after the first day of July, one thousand eight hundred and sixty-five.

SEC. 32. No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title.

SEC. 33. The General Assembly shall direct, by law, in what manner, and in what courts, suits may be brought against the State.

SEC. 34. When any officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house, the votes shall be publicly given *viva voce*, and entered on the journals.

SEC. 35. The General Assembly elected in the year one thousand eight hundred and sixty-six, shall meet on the first Wednesday of January, one thousand eight hundred and sixty-seven; and thereafter the General Assembly shall meet in regular session once in every two years; and such meeting shall be on the first Wednesday of January, unless a majority of all the members elected to both houses concur in fixing a different day by law.

SEC. 36. At the regular session of the General Assembly, in the year one thousand eight hundred and sixty-seven, all the statute laws of this State, of a general nature, shall be revised, digested, and promulgated, in such manner as the General Assembly may direct. The Supreme Court, as organized under this Constitution, shall appoint a suitable person or persons to prepare a complete revision of such general statutes, with such amendments as may appear beneficial, and report the same, printed, in bill form, by the public printer, to the next General Assembly. The person or persons so appointed may, with the approbation of the Supreme Court, employ such clerks as may be necessary in preparing said revision. The Secretary of State shall, at the expense of the

State, provide all necessary stationery for the use of the revisers. The compensation of the person or persons so appointed, and that of the clerks employed, shall be such as the Supreme Court may, from time to time, authorize and allow; and the same, together with such reasonable incidental expenses as may be incurred, shall be paid out of the State Treasury upon the order of said Court. After the said revision of the statutes, no similar revision shall be made by the General Assembly prior to the year one thousand eight hundred and eighty-five.

#### ARTICLE —.

##### *Impeachments.*

**SECTION 1.** The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, and all judges of the courts, shall be liable to impeachment for any misdemeanor in office; but judgment, in such case, shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit, under this State.

**SEC. 2.** The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate; and when sitting for that purpose, the Senate shall be on oath or affirmation to do justice according to law and evidence. When the Governor shall be tried, the presiding Judge of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators present.

On motion, one hundred copies of each were ordered to be printed for the use of the Convention.

Mr. GILSTRAP presented a petition from the Loyal Leagues of North Missouri, which was referred to the Committee on the Judicial Department.

Mr. BONHAM, Chairman of the Committee on the Elective Franchise, presented the following report:

A majority of the Committee on Elective Franchise have had the matter under consideration, examined the several propositions presented to the Convention, and have instructed me to report an article to be added to the Constitution as a new article, and recommend its adoption by this Convention. They also recommend that the article be read the first time by its title, laid upon the table, and one hundred copies of the same be printed for the use of the Convention.

D. BONHAM, *Chairman.*

The following is the article accompanying said report:

#### ARTICLE —.

##### *Elections, and Qualifications of Voters, Officers, and others.*

**SECTION 1.** All elections by the people shall be by ballot. No election shall continue longer than one day.

**SEC. 2.** General elections shall be held biennially, on the Tuesday next after the first Monday in November. The first general election under this Constitution shall be held on that day in the year one thousand eight hundred and sixty-six. Should Congress direct the appointment of electors of President and Vice President of the United States on any other day than that now established, the General Assembly may change the time of holding general elections so as to provide for holding them on the day which may be designated by Congress for that purpose, and on the corresponding day two years thereafter. No special election (State, county, or municipal) shall be appointed to be held on a Monday.

**SEC. 3.** At any election held by the people under this Constitution, or in pursuance of any law of this State, or under any ordinance or by-law of any municipal corporation, no person shall be deemed a qualified voter who has ever been in armed hostility to the United States, or to the lawful authorities thereof, or to the government of this State; or has ever given aid, comfort, countenance, or support, to persons engaged in any such hostility; or has ever, in any manner, adhered to the enemies, foreign or domestic, of the United States, either by contributing to them, or by unlawfully sending within their lines, money, goods, letters, or information; or has ever disloyally held communication with such enemies; or has ever advised or aided any person to enter the service of such enemies; or has ever, by open act or word, declared his adherence to the cause of such enemies, or his desire for their triumph over the arms of the United States, or has ever, except under overpowering compulsion, submitted to the authority or been in the service of the so-called "Confederate States of America;" or has ever left this State and gone within the lines of the armies of the so-called "Confederate States of America," with the purpose of adhering to said States or armies; or has ever been a member of, or connected with, any order, society, or organization, having for its object to aid or encourage rebellion against the United States, or to promote the dissolution of the Union thereof, or to oppose by any unlawful means the laws or authority thereof, or the laws, ordinances, or authority of this State; or has ever been engaged in guerrilla warfare against loyal inhabitants of the United States, or in that description of marauding commonly known as "bushwhacking;" or has ever knowingly harbored, aided, or countenanced, any person so engaged; or has ever left this State for the purpose of avoiding enrollment for or draft into the military service of the United States; or has ever, in order to escape the performance of duty in the militia of this State, enrolled himself, or caused himself to be enrolled, as a disloyal Southern sympathizer; or having ever voted at any election by the people in this State, or in any other of the United States, or held office in this State, or

in any other of the United States, shall thereafter have sought or received, under claim of alienage, the protection of any foreign government, through any consul or other officer thereof, in order to secure exemption from military duty in the militia of this State, or in the army of the United States; nor shall any such person be capable of holding, in this State, any office of honor, trust, or profit, under its authority; or of being an officer, councilman, director, trustee, or other manager, of any corporation, public or private, now existing, or hereafter established, by its authority; or of acting as a professor or teacher in any educational institution incorporated by, or under any law of, this State; or of teaching in any common or other school which is sustained, in whole or in part, by funds provided by law. But the foregoing provisions, in relation to acts done against the United States, shall not apply to any person not a citizen thereof, who shall have committed such acts while in the service of some foreign country at war with the United States, and who has, since such acts, been naturalized, or may hereafter be naturalized, under the laws of the United States; and the oath of loyalty hereinafter prescribed, when taken by any such person, shall be considered as taken in such sense.

SEC. 4. The General Assembly shall immediately provide, by law, for a complete and uniform registration, by election districts, of the names of qualified voters in this State, which registration shall be evidence of the qualification of all registered voters to vote at any election thereafter held; but no person shall be excluded from voting at any election on account of not being registered, until the General Assembly shall have passed an act of registration, and the same shall have been carried into effect; after which no person shall vote unless his name shall have been registered at least ten days before the day of the election; and the fact of such registration shall be not otherwise shown than by the register, or an authentic copy thereof, certified to the judges of election by the registering officer, or officers, or other constituted authority. A new registration shall be made within sixty days next preceding the tenth day prior to every biennial general election; and, after it shall have been made, no person shall establish his right to vote by the fact of his name appearing on any previous register.

SEC. 5. Until such a system of registration shall have been established, every person shall, at the time of offering to vote, and before his vote shall be received, take an oath, in the terms prescribed in the next succeeding section. After such a system shall have been established, the said oath shall be taken and subscribed by the voter at each time of his registration. Any person declining to take said oath shall not be allowed to vote, or to be registered as a qualified voter. The taking thereof shall not be deemed conclusive evidence of the right of the person to

vote, or to be registered as a voter; but such right may, notwithstanding, be disproved. And after a system of registration shall have been established, all evidence for and against the right of any person as a qualified voter shall be heard and passed upon by the registering officer, or officers, and not by the judges of election.

SEC. 6. The oath to be taken, as aforesaid, shall be known as the "Oath of Loyalty," and shall be in the following terms:

"I, A. B., do solemnly swear that I am well acquainted with the terms of the third section of the \_\_\_\_\_ article of the Constitution of the State of Missouri, adopted in the year eighteen hundred and sixty-five, and have carefully considered the same; that I have never, directly or indirectly, done any of the acts in said section specified; that I have always been truly and loyally on the side of the United States, against all enemies thereof, foreign and domestic; that I will always bear true faith and unqualified allegiance to the United States, and will support the Constitution and laws thereof as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding; that I will always, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed or overthrown, under any circumstances, if in my power to prevent it; that I will always disown and oppose all combinations, plans, and efforts, having for their object the dissolution of said Union, or the overthrow of said Government; that I will always, in word and deed, demean myself as a loyal and faithful citizen of the United States; that I will support the said Constitution of the State of Missouri; and that I make this oath without any mental reservation or evasion, and hold it to be binding on me."

SEC. 7. Within fifteen days after the adoption of this Constitution, the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Register of Lands, Attorney General, and all members and officers of both houses of the General Assembly, shall take and subscribe said oath; and, within two months after such adoption, every person in this State holding any other office of honor, trust, or profit, under the Constitution or laws thereof, or under any municipal corporation, or any of the other offices, positions, or trusts, mentioned in the third section of this article, shall likewise take and subscribe the same. If any officer or person referred to in this section shall fail to comply with the requirement thereof, his office, position, or trust, shall, *ipso facto*, become vacant, and the vacancy shall be filled according to the law governing the case.

SEC. 8. No vote in any election by the people shall be cast up for, nor shall any certificate of election be granted to, any person who shall not, within fifteen days next pre-

ceding such election, have taken, subscribed, and filed said oath.

**SEC. 9.** No person shall assume the duties of any State, county, city, town, or other office to which he may be appointed, otherwise than by a vote of the people; nor shall any person, after the expiration of two months after the adoption of this Constitution, be permitted to practice as an attorney or counselor at law; nor, after that time, shall any person be competent, as a bishop, priest, deacon, minister, elder, or other clergymen, of any religious persuasion, sect, or denomination, to solemnize marriages; unless such person shall have first taken, subscribed, and filed said oath.

**SEC. 10.** Oaths taken in pursuance of the seventh, eighth, and ninth sections of this article, shall be filed as follows: By a State civil officer, or a candidate for a State civil office, and by members and officers of the present General Assembly, in the office of the Secretary of State; by a military officer, in the office of the Adjutant General; by a candidate for either house of the General Assembly, in the clerk's office of the county court of the county of his residence, or in that of the county where the vote of the district is required by law to be cast up, and the certificate of election granted; by a city or town officer, in the office where the archives of such city or town are kept; and in all other cases, in the office of the clerk of the county court of the county of the person's residence.

**SEC. 11.** Every court in which any person shall be summoned to serve as a grand or petit juror, shall require him, before he is sworn as a juror, to take said oath, in open court; and no person refusing to take the same shall serve as a juror.

**SEC. 12.** If any person shall declare that he has conscientious scruples against taking an oath, or swearing in any form, the said oath may be changed into a solemn affirmation, and be made by him in that form.

**SEC. 13.** In addition to the oath of loyalty aforesaid, every person who may be elected or appointed to any office shall, before entering upon its duties, take and subscribe an oath or affirmation, that he will, to the best of his skill and ability, diligently and faithfully, without partiality or prejudice, discharge the duties of such office according to the Constitution and laws of this State.

**SEC. 14.** Whoever shall, after the times limited in the seventh and ninth sections of this article, hold or exercise any of the offices, positions, trusts, professions, or functions therein specified, without having taken, subscribed, and filed said oath of loyalty, shall, on conviction thereof, be punished by fine not less than five hundred dollars, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment; and whoever shall take said oath falsely, by swearing or by affirmation, shall, on conviction thereof, be adjudged guilty of perjury, and be punished by im-

prisonment in the penitentiary not less than two years.

**SEC. 15.** Whoever shall be convicted of having, directly or indirectly, given or offered any bribe to procure his election or appointment to any office, shall be disqualified for any office of honor, trust, or profit, under this State; and whoever shall give or offer any bribe, to procure the election or appointment of any other person to any office, shall, on conviction thereof, be disqualified for a voter, or any office of honor, trust, or profit, under this State, for ten years after such conviction.

**SEC. 16.** No officer, soldier, seaman, or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State.

**SEC. 17.** No person who shall make, or become directly or indirectly interested in, any bet or wager depending upon the result of any election, shall vote at such election.

**SEC. 18.** Every white male citizen of the United States, over the age of twenty-one years, not disqualified by or under any of the provisions of this Constitution, and who shall have complied with its requirements, and have resided in this State one year next preceding any election, or next preceding his registration as a voter, and during the last sixty days of that period shall have resided in the county, city, or town where he offers to vote, or seeks registration as a voter, shall be entitled to vote at such election for all officers, State, county, or municipal, made elective by the people; but he shall not vote elsewhere than in the election district of which he is at the time a resident, or, after a system of registration of votes shall have been established in the election district where his name is registered; except as provided in the twentieth section of this article.

**SEC. 19.** For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States, nor while engaged in the navigation of the waters in this State, or of the United States, or of the high seas; nor while a student in any seminary of learning; nor while kept at any poorhouse, or other asylum, at public expense; nor when confined in any public prison.

**SEC. 20.** Any qualified voter, under the eighteenth section of this article, who may be absent from the place of his residence, by reason of being in the volunteer army of the United States, or in the militia force of this State, in the service thereof, or of the United States, whether within or without the State, shall, without registration, be entitled to vote in any election occurring during such absence. The General Assembly shall provide by law for the taking of the votes of all such persons, wherever they may be, and the day fixed for such election, or at any time within twenty days next prior thereto, and for the due return and counting of such votes. Every such person shall take the

same oath that all other voters may be required to take in order to vote.

SEC. 21. Voters shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their continuance at elections, and in going to and returning from the same.

SEC. 22. Any person who may at any time have done any act which, under the third section of this article, has disqualified or may disqualify him, as therein expressed, and who shall, after the commission of such act, have voluntarily entered the military service of the United States, and been honorably discharged therefrom, and after such discharge have demeaned himself in all respects as a loyal and faithful citizen, may be relieved from such disqualification. In order thereto, he shall, in person, present his petition to the circuit court of the county of his residence, stating specifically the act or acts which produced such disqualification, and the grounds upon which he prays to be relieved therefrom; and the court shall set a day for hearing the cause, not less than five days after the presentation of the petition; when, if it appear by competent proof that the petitioner is justly entitled to the relief prayed for, the court shall make a decree removing such disqualification. But any act done by such person after the date of such decree, which would impose a disqualification under said third section of this article, shall make such decree null and void, and remit him to his previous condition of disqualification; and no such decree shall be granted a second time in his favor.

SEC. 23. After any person shall have been so relieved by the decree of a circuit court, he shall, in order to vote, or hold any of the offices, positions or trusts, or exercise any of the privileges or functions hereinbefore specified, take the oath of loyalty aforesaid, except the part thereof which refers to the third section of this article, and to the past acts or loyalty of the person taking the oath.

SEC. 24. After the \_\_\_ day of \_\_\_, one thousand eight hundred and \_\_\_, and until the date next hereinafter named, the General Assembly shall have power, if a majority of all the members elected to both houses concur therein, to suspend or repeal any part of the third, fifth and sixth sections of this article so far as the same relate to the qualifications of voters, but no further. After the \_\_\_ day of \_\_\_, one thousand eight hundred and \_\_\_, the General Assembly may wholly suspend or repeal the third, fourth, fifth, sixth, eighth, ninth, tenth, eleventh and twelfth sections of this article, or any part thereof, if a like majority of both houses concur therein. But no such suspension or repeal shall have the effect of dispensing with the taking, by every person elected or appointed to any office in this State, of so much of the oath of loyalty aforesaid as follows the word "thereof" where it first occurs therein. On the passage of any bill suspending or repealing any of

said sections, or any part thereof, the votes of both houses shall be taken by ayes and noes, and entered on the journals of the houses, respectively. The General Assembly shall also have power, at any time, to remove any such suspension or repeal, and reinstate the provisions suspended or repealed, in full force and effect as a part of this Constitution. Every suspension or repeal made in pursuance of this section, shall be general in its terms, and not in any case in favor of any named person; but the General Assembly may except from the benefit of such suspension or repeal any person, or class of persons, it may see fit.

SEC. 25. The General Assembly shall provide for the exclusion from every office of honor, trust, or profit within this State, and from the right of suffrage, of any person convicted of bribery, perjury, or other infamous crime.

SEC. 26. For the purpose of ascertaining the sense of the people in regard to the admission of persons of color to the right of suffrage, the question shall, in the manner hereinafter prescribed, be submitted to, and voted upon by, the qualified voters of the State, at the general election to be held in the year one thousand eight hundred and seventy; and if the vote of the people should then be against such admission, the question shall, in like manner, be again submitted to, and voted upon by, such qualified voters, at the general election to be held in the year one thousand eight hundred and seventy-six; and if the vote of the people should then be against such admission, the General Assembly may, at any time thereafter, provide by law for again submitting the question to the qualified voters, at any general election, and as often as it may be deemed expedient. Whenever the said question shall be so submitted, either at the times named in this section, or at any time fixed by the General Assembly, the votes thereupon shall be given on the same ballots upon which officers are voted for. The ballots in favor of the admission of persons of color to the right of suffrage shall have written or printed thereon the words "Colored Suffrage—Yes;" and those against such admission shall have written or printed thereon the words "Colored Suffrage—No." It shall be the duty of the judges of election, at any such election, to count and return, with the other votes, those given for and against colored suffrage, and the same shall be cast up and certified by the clerks of the several county courts to the Secretary of State; and at the expiration of forty days after the day of the election, that officer shall proceed to ascertain from the returns in his office the aggregate vote of the State upon said question, including the soldiers' vote hereinbefore provided for, and certify the same to the Governor, who shall thereupon make known the same by his proclamation; and if a majority of the votes given upon the question shall have been in favor of colored suffrage, then, from the date of such proclamation, persons of color,

being otherwise qualified as voters, shall be entitled to vote at all elections by the people.

On motion, one hundred copies of the foregoing article were ordered to be printed.

Mr. FLETCHER offered the following resolution:

*Resolved.* That the State Constitutional Convention, now in session in St. Louis, ask and invite the State Senate and Legislature, in session at Jefferson City, to meet them at St. Louis on Wednesday next, the 18th inst., that they may have an interchange of views; and that the President of this Convention forward to the President of the Senate and the Speaker of the House of Representatives, a copy of this resolution, upon its adoption.

Mr. —— moved to include the Governor of the State in the invitation, which was accepted by Mr. Fletcher.

Mr. CLOVER moved to amend the resolution by striking out the words "Wednesday, the 18th inst.," and inserting the "1st day of January next."

On motion, the resolution and amendments were laid on the table.

The PRESIDENT read the following letter to the Convention:

ST. LOUIS, January 16, 1865.

Hon. ARNOLD KREKEL. *President of the Missouri State Convention :*

SIR—I have the honor to be the bearer of a communication from His Excellency the Governor of Illinois, transmitting joint resolutions from the General Assembly of Illinois, passed on reception of intelligence of the adoption, by the Convention of Missouri, of an Ordinance of Emancipation, which communication I desire to present to your honorable body, at such time as it will be your pleasure to receive them.

Very respectfully, your ob't serv't,  
(Signed) JOHN S. LOOMIS,  
*Sec'y and A. D. C. to His Excellency, Gov. Yates.*

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved.* That the Convention will receive, with pleasure, Mr. Loomis, the messenger bearing the communication from the Governor of the State of Illinois to this body; and that a committee of two be appointed to conduct Mr. Loomis into the hall and introduce him to the Convention.

The President appointed Messrs. Drake and St. Gem a committee to conduct in and introduce Mr. Loomis, who came forward and presented the following communication:

STATE OF ILLINOIS, EXECUTIVE DEP'T., }  
Springfield, Jan. 13, 1865. }

To the Honorable the President of the Constitutional Convention of the State of Missouri:

SIR.—It is with feelings of unalloyed gratification that I submit to you the enclosed resolution of the General Assembly of the State of Illinois, congratulating her sister State on the passage, by the Constitutional Convention, of the ordinance abolishing slavery in Missouri.

Illinois was the third State which came into the Union under the glorious ordinance of 1787. Missouri is the third State to abolish slavery in accordance with the spirit of the still more glorious proclamation of emancipation of Abraham Lincoln.

May these two sister States henceforth run, hand in hand together, the race of liberty, prosperity, and happiness. They have hitherto been united by the ties of race and blood; hereafter they will be united forever by the ties of universal liberty, acknowledging the fraternity of but one brotherhood of humanity, and the supremacy of but one God, who is the Father of all, without respect of race or color.

All the natural and inevitable consequences of freedom must now be showered down upon the noble State of Missouri. She has accomplished the will of God, and of all good men, and her reward is being prepared for her by Him who holds the nations in the hollow of His hands.

With great respect, I am, sir,

Your obed't serv't,

(Signed) RICH'D YATES, *Governor.*

STATE OF ILLINOIS, EXECUTIVE DEP'T, }  
Springfield, January 13, 1865. }

*Resolved by the House of Representatives, the Senate concurring.* That we hail with delight the tidings that the Constitutional Convention of Missouri, by the decisive vote of sixty to four, has abolished slavery in the State, and that the Governor be, and is hereby requested, in the name of the people of the State of Illinois, to tender our congratulations to the people of that State, and to welcome Missouri into the sisterhood of free States.

Official copy:

(Signed) RICH'D YATES, *Governor.*

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved.* That Missouri accepts, with thanks, the greetings of her free sister, Illinois, and responds with earnest wishes that the current of good feeling between the two States may be as ceaseless in its flow as the tide of the mighty river which pours its rich blessings along the borders, which are no more to be divided by the black line of human slavery.

The ordinance offered by Mr. BONHAM, relative to abrogating certain parts of the constitution, was taken up, read the second

time, and referred to the Committee on the Legislative Department.

On motion, the Convention adjourned till 3 o'clock p. m.

### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

A quorum being present, the Convention proceeded to business.

The following committee, as a Committee on Accounts, was appointed under the 49th rule governing the Convention, viz: Messrs. Meyer, Holcomb, and Grammer.

The resolution heretofore offered by Mr. BUSH, to amend the 44th rule, was read the second time, and, on motion, adopted.

Mr. ST. GEM presented the following communication, which was read and referred to the Committee on the Judicial Department:

*To the Honorable Convention of Delegates to amend the Constitution of the State of Missouri:*

Under the laws heretofore existing in Missouri slaves could own no property in real estate, and possess no property except his *peculium*.

There are many cases where wills have been made, or deeds of conveyance have been executed, to persons with secret trusts in favor of slaves.

There are other cases of property accumulated by slaves in time allowed them by their masters to work for themselves.

I have the honor to suggest that an ordinance should declare these secret trusts valid, and vest the legal title with them; also, render valid the title and ownership of personal and real estate.

Respectfully submitted for consideration.  
J. B. ROGERS.

On motion of Mr. MITCHELL, Mr. Williams of Scotland was added to the Committee on Education.

Mr. GAMBLE offered the following resolution:

*Resolved*, That it is the sense of this Convention that all persons owning slaves on the 11th day of January, 1865, who were, and are, truly loyal to the Government of the United States, shall be paid the full value of such slaves so owned, and liberated by the Ordinance of Emancipation passed by this Convention on that day; and the Committee on Legislative Powers are hereby instructed to insert a clause in the Constitution of this State, requiring the Legislature, at the present session, to pass the necessary law or laws to carry this resolution into effect: *Provided*, That the Legislature shall pass no law which

will allow any such owner more than three hundred dollars for any one such slave so emancipated.

Mr. BONHAM moved to lay the resolution on the table.

Upon which motion Mr. GAMBLE demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Bonham, Budd, Childress, Clover, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D'Oench, Drake, Esther, Evans, Filley, Folmsbee, Fulker-son, Gilstrap, Gilbert of Lawrence, Grammer, Green, Henderson, Holcomb, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Meyer, Mitchell, Newgent, Nixdorf, Owens, Peck, Raukin, St. Gem, Smith of Worth, Strong, Sutton, Swearingen, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—47.

NOES—Messrs. Gamble, Gilbert of Platte, Morton, and Switzler—4.

ABSENT—Messrs. Adams, Bunce, Bush, Ellis, Fletcher, Foster, Harris, Holdsworth, Martin, Rohrer, Smith of Mercer, and Weatherby—12.

So the resolution was laid upon the table.

Mr. HOLCOMB offered the following resolution, which was referred to the Committee on Miscellaneous Business:

*Resolved*, That the Committee on Miscellaneous Propositions be, and they are hereby, instructed to examine into the expediency of taxing rebels, or rebel property, in the several counties of this State, to replace all township and county buildings, and all other county or township property, that have been destroyed by rebel armies or rebel guerrilla bands; also of refunding to all loyal men, and especially Federal soldiers, the amounts that have been stolen from them, and report to this Convention, by ordinance or otherwise, as they shall think proper.

Mr. DAVIS of New Madrid offered the following resolution:

*Resolved*, That the Constitution, together with all the provisions therein contained, and all the ordinances adopted by this Convention, shall be submitted to a direct vote of the people of this State, on the first Tuesday in November next.

Mr. ST. GEM moved to lay the resolution on the table.

Mr. DAVIS of New Madrid demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Bonham, Budd, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Evans, Filley, Folmsbee, Fulker-son, Gamble, Gilbert of Lawrence, Grammer, Green, Henderson, Holcomb, Holland, Hume, Hus-

mann, King, Leonard, Linton, McKernan, McPherson, Mack, Meyer, Mitchell, Newgent, Nixdorf, Peck, Rankin, Rohrer, St. Gem, Smith of Worth, Strong, Sutton, Swearingen, Williams of Caldwell, Williams of Scotland, and Mr. President—44.

NOES—Messrs. Bedford, Davis of New Madrid, Esther, Fletcher, Gilbert of Platte, Morton, Owens, Switzler, and Thilenius—9.

ABSENT—Messrs. Adams, Bunce, Ellis, Foster, Gilstrap, Harris, Holdsworth, Hughes, Martin, Smith of Mercer, Weatherby—11.

So the resolution was laid on the table.

On motion the Convention adjourned to meet to-morrow morning at 10 o'clock.

## EIGHTH DAY.

TUESDAY, JANUARY 17th, 1865.

Convention met pursuant to adjournment, the President in the Chair.

Prayer by Rev. Dr. Eliot.

The journal of the proceedings of the last session was read by the Secretary, and approved.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved*, That the Secretary of State be requested to make out and transmit to this body a tabular statement of the vote of this State, by counties, on the eighth day of November last, for and against a Convention.

Mr. NEWGENT offered the following ordinance, which was read the first and second times, and,

On motion of Mr. DRAKE, was referred to the Committee on the Judicial Department:

### AN ORDINANCE TO PROTECT CITIZENS AND SOLDIERS.

*Be it ordained by the People of the State of Missouri, in Convention assembled:*

That no soldier nor citizen of this State shall be liable to any action by the civil authorities, for any act heretofore done, or that may hereafter be done, under the authority of any military command in this State.

Mr. FILLEY, Chairman of the Committee on Printing, presented the following report:

The Committee on Printing unanimously and respectfully report, that from the nature of the printing that the Convention will, from time to time, demand, it is impossible for the Committee, or the Convention, in advance, to determine, and, therefore, impossible to give a schedule upon which a specific contract can be based.

If the Committee could be informed as to the precise quantity, kind and style, it would afford them the basis for such a contract.

They have, therefore, adopted the basis of the last Convention, and made what appears

to them a much more favorable arrangement, than, from the immense advance in labor and material, and the prices adopted by the last Convention, they expected, and, therefore, have arranged with Messrs. McKee, Fishback & Co., of the *Missouri Democrat*, as follows:

All printing, in book form, to be done on good strong paper, in such type as may be directed by the Committee or officer having superintendence thereof; all documents, and other job work, with such type and paper as may be directed by the proper officer. The printing to be done promptly and in a neat and workmanlike manner.

Price for blank forms, one dollar and three cents for the first eight quires, each; and for every additional quire eighty-five cents.

For public documents, eighty-five cents per thousand ems, for the first hundred copies, and twenty cents per thousand ems for each additional hundred copies.

For pressing sheets, folding and stitching, and covering with strong paper covers, not over ten cents per volume, for less than thirty-two pages for each volume; substantially half bound, leather covers and backs, and lettered, thirty cents.

The Committee recommend the adoption of the following resolution:

*Resolved*, That the Secretary of the Convention be instructed to have the printing done by Messrs. McKee, Fishback & Co., on terms as above.

(Signed) CHAUNCEY I. FILLEY, Ch'n.  
WILLIAM D'OEENCH.  
WYLLYS KING.

On motion, the report and resolution were adopted.

Mr. STRONG offered the following resolution, which was adopted:

*Resolved*, That the Secretary of this Convention be, and hereby is, authorized to employ such clerks as are absolutely necessary to copy the reports of committees for the purpose of having them immediately printed, and such other business as requires additional assistance, under the direction of the

President, and to receive such remuneration as the President may deem right.

Mr. STRONG, Chairman of the Committee on Credentials, reported that Mr. A. J. Barr, of the Tenth District, had presented his credentials, and that they are correct.

Mr. BARR came forward and took the oath, and was enrolled as a member of the Convention.

Mr. BONHAM offered the following resolutions:

*Resolved*, That it is the sense of this Convention, that the Government of the United States should never propose terms of peace to the so-called Southern Confederacy, but should prosecute the war with all the means and power of the Government, to its final end, and until every rebel acknowledges and bows to the supremacy of the Constitution of the United States, and the laws passed in pursuance thereof.

*Resolved*, That a copy of these resolutions be authenticated by the President and Secretary of this Convention, and forwarded to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives in Congress.

Mr. GREEN offered the following resolutions as a substitute for the resolution of Mr. Bonham:

*Resolved*, That this Convention would hail with delight the cessation of hostilities between the armies of the Union and the armies of the so-called Confederate States of America: *Provided, however*, The same can be brought about on terms consistent with the honor, integrity, unity, and perpetuity of the Union of all the States, and the irreversability of the Proclamation of Emancipation, issued by President Lincoln in January, 1863.

*Resolved*, That unless these ends can be accomplished in negotiations for peace, it is our opinion that the war should be prosecuted to its ultimate consequences, trusting that, under the providence of God, final victory to the Union arms will be secured, the ultimate overthrow of the rebellion, and the restoration of peace, with the Union preserved, and with universal emancipation through all the States.

Mr. STRONG offered as a substitute the following resolution:

*Resolved*, That the terms of peace proposed by the President of the United States, in his late annual message, which are in effect that peace will be restored when those who began the war lay down their arms, and submit to the Constitution and laws of the United States, meet with the cordial approval of this Convention, and of the loyal people of the State of Missouri; and we are of the opinion that they are the only terms consistent with

the honor and the safety of these United States.

Mr. KREKEL offered the following resolution, which was read, as a substitute for the original proposition and substitutes therefor:

*Resolved*, That this Convention looks with apprehension to the preparation now making on the part of the Southern States to return to their allegiance as States by separate State action, because of the claim of State sovereignty implied therein, as well as the danger to the cause of freedom to the slaves yet held in bondage; and we call upon the Government, the Congress, and the people of the United States, not to expose the people of the South to that fearful ordeal of *gradual emancipation*, through which the people of Missouri have passed, which has laid waste her fields, and expelled from their homes and caused the murder of many of her best citizens.

On motion of Mr. BUSH, the resolution of Mr. Bonham, and the substitutes therefor, were referred to a select committee of five, to be appointed by the Chair.

On motion of Mr. WILLIAMS of Caldwell, Mr. Barr was allowed to record his vote on the Ordinance of Emancipation, which he recorded in the affirmative.

On motion of Mr. WILLIAMS of Caldwell, Mr. Barr was added to the Committee on Militia.

Mr. D'OENCH offered the following ordinance relative to banks and banking houses:

*Be it ordained by the People of Missouri, in Convention assembled:*

1. The General Assembly shall not have power to establish or incorporate any bank, or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer.

2. Corporations not possessing banking powers or privileges may be formed under general laws, but shall not be created by special acts, except for municipal purposes, and in cases where, in the judgment of the General Assembly, the objects of the corporation can not be attained under general laws.

3. The charters granted to banks of issue are hereby revoked; but for the purpose of liquidation, they are permitted to continue their business until the first day of July, 1866, when they shall cease to exist.

On motion of Mr. BUSH, this ordinance was referred to the Committee on Banks.

On motion of Mr. DRAKE, the article on Declaration of Rights was made the special order of business at 3 o'clock this afternoon.

On motion, the Convention adjourned until 3 o'clock p. m.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment, the President in the chair.

A quorum being present, the Convention proceeded to business.

The PRESIDENT announced the following as the special committee to whom was referred Mr. Bonham's resolution, and the substitutes therefor: Messrs. Bush, Bonham, Green, Strong, and Barr.

Mr. MARTIN offered the following resolutions:

*Resolved*, 1. That all persons now holding, or who may hereafter hold, any real or personal property in trust for the uses and purposes of schools, academies, colleges, or other institutions of learning, or for purposes of religious worship, or for charitable or benevolent objects; and all officers and teachers in any institution of learning, and all ministers, ordained or licensed preachers, of any religious denomination, shall, within thirty days after the passage of this ordinance, and otherwise before entering on the duties of their several stations, take and subscribe an oath that they have not at any time taken up arms against the Government of the United States, or the State of Missouri, nor in any manner given aid or comfort, by word, deed, writing, or otherwise, to the enemies of the United States, or the State of Missouri.

2. All persons now holding any of the positions named in the foregoing article, who fail to take and subscribe the oath therein set forth, within thirty days after the passage of this ordinance, or who may at any time have enrolled themselves as disloyal, shall thereafter cease to hold or exercise any of the duties or functions of these several stations, and the proper courts may fill the vacancies that may be thus created in any board of trustees.

3. Any person who may be convicted of taking the said oath falsely, shall be punished as for perjury, in such manner as the Legislature may prescribe by law.

On motion, the resolutions were read the second time and ordered to be referred to the Committee on Elective Franchise.

Mr. NEWGENT presented the following petition from the loyal citizens of Platte county, Mo., which was read for information, viz:

*To the Honorable the President and members of the Convention of the State of Missouri:*

The undersigned, the loyal citizens of the county of Platte, respectfully represent that the courthouse and jail of the said county have been destroyed by fire, and the County

Court of said county desire soon to rebuild the same; that the seat of justice of the said county has been located at Platte City for more than ten years, and can not be removed except by the present oppressive and prohibitory law, or by ordinance of your honorable body; that the loyal men of the county, almost without exception, earnestly desire and now petition for an immediate and peremptory removal and change of said seat of justice, and its permanent location in the city of Weston.

The undersigned would further represent that, in consequence of Platte City being situated in the interior of the county, and in the midst of a population almost unanimous against our national and State governments, among whom bushwhackers and guerrillas have been persistently maintained, the records of the county are in constant danger of destruction so long as they are kept in said place, and loyal men are in danger at times when going to said place to examine the same, or to attend the several courts. These bands of guerrillas have prevented the sessions of our courts at different times—have once arrested our Circuit Judge when attempting to hold court, and at our last fall term it was unsafe and impracticable to hold court without a constant escort of the court by a large military force.

The present law prohibits the loyal men from removing the county seat, until they have paid the disloyalists for their property at the present county seat; and as we do not desire to reward these for keeping the county seat so long in the hands of rebels and traitors, we do not propose to buy their property, which, in most cases, if justice were done, would be forfeited to the Government for treason.

We therefore most earnestly pray your honorable body, whatever may be your disinclination to this class of business, to do that for us which no other body can effectively and lawfully do.

WESTON, Jan. 9, 1865.

(Signed by 908 names.)

Mr. NEWGENT offered the following resolution, which was not agreed to:

*Resolved*, That the petition of the loyal citizens of Platte county be referred to a select committee of five, to be appointed by the President, with instructions to inquire into the expediency of reporting an ordinance that will secure the object sought by said petitioners.

Upon motion, the petition offered by Mr. Newgent was referred to the Committee on the Legislative Department.

Mr. BARR offered the following ordinance, which was read the first and second time, and referred to the Committee on the Judicial Department:

AN ORDINANCE TO ABOLISH CERTAIN PENALTIES.

*Be it ordained by the People of the State of Missouri, by their Delegates in Convention assembled, as follows:*

1. That all penalties and causes of action which may heretofore have accrued to, or which may have been incurred by, any person or persons, or by any incorporated company, or body corporate, by reason of the violation of any statute in relation to the transportation of slaves, are hereby annulled and forever abolished; and all suits now pending for the recovery, or enforcement of any and every penalty, or cause of action, are hereby declared to be abated.

Mr. BUDD offered the following resolution, which was adopted:

*Resolved*, That the Committee on Printing be instructed to cause 200 copies of all ordinances or other matter to be laid before the Convention, instead of 100 copies, as heretofore ordered.

Mr. SMITH of Worth offered the following resolution:

*Resolved*, That the Committee on Printing cause to be published 4,900 copies of the Ordinance of Emancipation, as engrossed, with the names of the members of the Convention, and vote of each member opposite his name, upon its passage, duly certified by the President and Secretary, for the use of the members of this body.

Mr. OWENS moved to amend the resolution by striking out "4,900" and inserting "71,000."

Mr. FLETCHER moved to lay the resolution and amendment on the table.

Upon this motion, the ayes and noes were demanded, and the vote being taken, stood as follows:

AYES—Messrs. Bush, Davis of New Madrid, Drake, Esther, Evans, Fletcher, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Green, Harris, Holland, Hume, King, Leonard, Linton, Martin, Morton, Nixdorf, Owen, Rankin, Rohrer, St. Gem, Sutton, Switzler, Thilenius, Williams of Caldwell, and Williams of Scotland —29.

NOES—Messrs. Barr, Bedford, Bonham, Budd, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Ellis, Filley, Folmsbee, Grammer, Henderson, Holcomb, Husmann, McKernan, McPherson, Mack, Meyer, Mitchell, Newgent, Peck, Smith of Mercer, Smith of Worth, Strong, Swearingen, and Mr. President—29.

ABSENT—Messrs. Adams, Bunee, Foster, Gilstrap, Holdsworth, Hughes, and Weatherby—7.

So the motion to lay on the table was lost.

On motion, Mr. OWENS' amendment was then rejected.

The question then being on the adoption of the resolution offered by Mr. SMITH of Worth, Mr. ST. GEM demanded the ayes and noes, which being taken, the vote stood as follows:

AYES—Messrs. Barr, Bedford, Bonham, Budd, Childress, Clover, Cowden, Davis of Nodaway, D'Oench, Ellis, Filley, Folmsbee, Fulkerson, Grammer, Henderson, Holcomb, Husmann, McKernan, McPherson, Mack, Martin, Mitchell, Newgent, Peck, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Williams of Caldwell, and Mr. President—32.

NOES—Messrs. Bush, Davis of New Madrid, Dodson, Drake, Esther, Evans, Fletcher, Gamble, Gilbert of Lawrence, Gilbert of Platte, Green, Harris, Holland, Hume, King, Leonard, Linton, Morton, Nixdorf, Owens, Rankin, Swearingen, Switzler, Thilenius, and Williams of Scotland—25.

ABSENT—Messrs. Adams, Bunee, Foster, Gilstrap, Holdsworth, Hughes, Meyer, and Weatherby—8.

So the resolution, as offered by Mr. Smith of Worth, was adopted.

Mr. MACK offered the following resolution, which was read the first and second time, and referred to the Committee on the Judicial Department:

A RESOLUTION TO CREATE COURTS OF APPEAL.

*Resolved*, That the Committee on the Judicial Department be instructed to inquire into the expediency of creating courts of appeal, said courts to be composed of the judges of the circuit courts of the State; the State to be divided into districts; each district to consist of five judicial circuits; the judges of the said circuits to be the judges of the said courts of appeal, who shall hear and determine all writs of error and appeal from the circuit courts of their districts; and that writs of error and appeals shall alone be taken from said courts of appeal to the Supreme Court of this State.

Mr. GREEN offered the following resolution, which was adopted:

*Resolved*, That the regular hours for the assembling of this Convention shall be 10 o'clock A. M., and 3 o'clock P. M.

Mr. HOLLAND offered the following resolution:

*Resolved*, That we most heartily approve of General Dodge's General Order No. 7, believing, as we do, that the only way to give to the loyal people of Missouri that security and protection to which they are justly entitled, and which alone can secure the peace and prosperity of the State, is to hold the rebels, and their sympathizers at

home, to a rigid responsibility and accountability for the outrages committed by their friends, the bushwhackers and rebel marauders. And on behalf of the Union-loving people, we tender General Dodge our thanks for the decided step he has inaugurated, and pledge him a cheerful and cordial co-operation in carrying his order into effect throughout the State.

Mr. NEWGENT moved the adoption of the resolution, and demanded the ayes and noes thereon, which being taken, the vote stood as follows:

AYES—Messrs. Barr, Bedford, Bonham, Budd, Bush, Childress, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Esther, Evans, Fletcher, Folmsbee, Fulker-  
son, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Grammer, Green, Harris, Henderson, Holcomb, Holland, Hume, Hus-  
mann, King, Leonard, Linton, McKernan,  
McPherson, Mack, Martin, Mitchell, Morton,  
Newgent, Nixdorf, Owen, Peck, Rankin,  
Rohrer, St. Gem, Smith of Mercer, Smith

of Worth, Strong, Sutton, Swearingen, Switzler, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—55.  
NOES—None.

ABSENT—Messrs. Adams, Bunce, Clover, Davis of New Madrid, Filley, Foster, Holdsworth, Hughes, Meyer, and Weatherby—10.  
So the resolution was unanimously adopted.

Mr. DRAKE offered the following resolution:

*Resolved*, That the President of this Convention appoint a committee of three to wait on Major General Dodge, and present him with a copy of the resolution as offered by Mr. Holland this day, and unanimously adopted by this body.

The resolution was adopted, and the President appointed Messrs. Drake, Holland, and Davis of Nodaway, as said committee.

On motion, the Convention adjourned until to-morrow at 10 o'clock.

## NINTH DAY.

WEDNESDAY, JANUARY 18th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Snead.

Journal of yesterday's proceedings read.

Mr. GILBERT of Lawrence stated that he was not absent, but voted in the affirmative for laying on the table the resolution offered by Mr. Smith of Worth, yesterday, relative to having the Ordinance of Emancipation printed. His vote was so ordered to be recorded, and the vote on that proposition ~~then~~ stood, 29 affirmative to 29 negative.

Journal of proceedings approved.

Mr. DRAKE called for the regular order of the day, being the article on Declaration of Rights.

Upon motion of Mr. STRONG, the Convention resolved itself into a Committee of the Whole for the purpose of taking under consideration amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. NEWGENT reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on Declaration

of Rights, but had come to no resolution thereon.

Mr. GREEN, Chairman of the Committee on the Executive Department, presented the following report and accompanying article: *To the President and Gentlemen of the Convention:*

Your Committee on the Executive Department beg leave to submit herewith their report, which has been in all particulars agreed to by the majority of the committee, two members of the committee dissenting therefrom only because of the employment of the word "white" in two sections of the article. The majority recommend the adoption of the article herewith reported, as a part of the Constitution of the State. It will be perceived that we have made but few alterations in the article as it at present stands in the Constitution, preferring to adopt it as it is in every respect, where we did not deem a change necessary.

All of which is most respectfully submitted.

M. P. GREEN, Chairman.

ST. LOUIS, January 18, 1865.

### ARTICLE IV.

#### *Of the Executive Power.*

SECTION 1. The supreme executive power shall be vested in a chief magistrate, who

shall be styled "The Governor of the State of Missouri."

SEC. 2. The Governor shall be at least thirty-five years old, a white male citizen of the United States ten years, and a resident of the State of Missouri seven years, next before his election.

SEC. 3. The Governor shall hold his office four years, and until a successor be duly elected and qualified. At the time and place of voting for members of the House of Representatives, the qualified electors shall vote for a Governor; and when two or more persons have an equal number of votes, and a higher number than any other person, the election shall be decided between them by a joint vote of both houses of the General Assembly, at their next session.

SEC. 4. The Governor shall be ineligible for the next four years after the expiration of his term of service.

SEC. 5. The Governor shall be commander-in-chief of the militia and navy of this State, except when they shall be called into the service of the United States; but he need not command in person unless advised to do so by a resolution of the General Assembly.

SEC. 6. The Governor shall have power to remit fines and forfeitures, and, except in cases of impeachment, to grant reprieves and pardons. He shall take care that the laws be distributed and faithfully executed, and shall be a conservator of the peace throughout the State.

SEC. 7. The Governor shall, from time to time, give to the General Assembly information relative to the state of the government, and shall recommend to their consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the General Assembly by proclamation, and shall state to them the purposes for which they are convened.

SEC. 8. When any office shall become vacant, the Governor, unless otherwise provided by law, shall appoint a person to fill such vacancy, who shall continue in office until a successor shall be duly elected or appointed, and qualified according to law.

SEC. 9. Every bill which shall have been passed by both houses of the General Assembly, before it become a law, shall be presented to the Governor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated; and the house shall cause the objections to be entered at large on its journals, and shall proceed to reconsider the bill. After such reconsideration, if a majority of all the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall, in like manner, be reconsidered, and, if approved by a majority of all the members elected to that house, it shall become a law. In all such cases the votes of both houses shall be taken by ayes and noes; and the names of the members voting for

and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if the Governor had signed it, unless the General Assembly, by its adjournment, shall prevent its return; in which case it shall not become a law, unless the Governor, after such adjournment, and within ten days after the bill was presented to him (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State; in which case it shall become a law, in like manner as if it had been signed by him during the session of the General Assembly.

SEC. 10. Every resolution, to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, and of amending this Constitution, shall be presented to the Governor; and, before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill.

SEC. 11. The Governor shall, at stated times, receive for his services an adequate salary, to be fixed by law, which shall neither be increased nor diminished during his continuance in office.

SEC. 12. There shall be a Lieutenant Governor, who shall be elected at the same time, in the same manner, for the same term, and shall possess the same qualifications as the Governor.

SEC. 13. The Lieutenant Governor, by virtue of his office, shall be President of the Senate. In committee of the whole, he may debate on all questions; and when there is an equal division, shall give the casting vote in the Senate, and also in joint vote of both houses.

SEC. 14. When the office of Governor shall become vacant, by death, resignation, absence from the State, removal from office, refusal to qualify, impeachment, or otherwise, the Lieutenant Governor, or in case of like disability on his part, the President of the Senate *pro tempore*, or if there be no President of the Senate *pro tempore*, the Speaker of the House of Representatives shall possess all the powers and discharge all the duties of Governor, and shall receive for his services the like compensation, until such vacancy be filled, or the Governor, so absent or impeached, shall return, or be acquitted. And if at any time the President of the Senate or Speaker of the House of Representatives shall be the acting Governor, another presiding officer shall be chosen in his place by the body over which he presides.

SEC. 15. Whenever the office of Governor shall become vacant by death, resignation, removal from office, or otherwise, the Lieutenant Governor, or other person exercising the powers of Governor for the time being, so soon as may be, shall cause an election to be held to fill such vacancy, giving three months' previous notice thereof; and the

person elected shall not thereby be rendered ineligible to the office of Governor for the next succeeding term. Nevertheless, if such vacancy shall happen within eighteen months of the end of the term for which the late Governor shall have been elected, no such election shall be held to fill such vacancy.

SEC. 16. The Lieutenant Governor, or President of the Senate *pro tempore*, while presiding in the Senate, shall receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

SEC. 17. There shall be a Secretary of State, a State Auditor, a State Treasurer, and an Attorney General, who shall be elected by the qualified voters of the State at the same time, in the same manner, and for the same term of office as the Governor. No person shall be eligible to either of said offices unless he be a white male citizen of the United States, and at least twenty-five years old, and shall have resided in this State five years next before his election. The Secretary of State, the Auditor, the State Treasurer, and the Attorney General shall keep their respective offices at the seat of Government, and shall perform such duties as may be required of them by law.

SEC. 18. The returns of all elections of Governor, Lieutenant Governor, and of other State officers, shall be made to the Secretary of State, in such manner as may be prescribed by law.

SEC. 19. Contested elections of Governor and Lieutenant Governor shall be decided by joint vote of both houses of the General Assembly, in such manner as may be prescribed by law.

SEC. 20. Contested elections of Secretary of State, State Auditor, State Treasurer, and Attorney General, shall be decided before such tribunal and in such manner as may be by law provided.

SEC. 21. The Secretary of State shall, as often as may be necessary, procure the seal of State, with such emblems and devices as are now established by law, which shall not be subject to change. It shall be called the "Great Seal of the State of Missouri;" it shall be kept by the Secretary of State; and all official acts of the Governor, his approbation of the laws excepted, shall be thereby authenticated.

SEC. 22. The Secretary of State shall keep a register of the official acts of the Governor, and, when necessary, shall attest them; and shall lay copies of the same, together with copies of all papers relating thereto, before either house of the General Assembly, whenever required to do so.

SEC. 23. No money shall be drawn from the treasury but in pursuance of appropriations made by law; and an accurate account of the receipts and expenditures of the public moneys shall be published annually, and a strict accountability therefor enforced.

SEC. 24. There shall be elected, by the qualified voters in each county, at the time and places of electing representatives, a sheriff and a coroner. They shall serve for

two years, and until a successor be duly elected and qualified, unless sooner removed for malfeasance in office, and shall be ineligible four years in any period of eight years. Before entering on the duties of their office, they shall give security in such amount and in such manner as shall be prescribed by law. Whenever a county shall be hereafter established, the Governor shall appoint a sheriff and coroner therein, who shall continue in office until the next succeeding general election, and until a successor shall be duly elected and qualified.

SEC. 25. Whenever vacancies happen in the office of sheriff or coroner, the same shall be filled by the county court, or other tribunal charged with the transaction of county business. If such vacancy happen in the office of sheriff more than nine months prior to the time of holding a general election, such county court, or other tribunal shall immediately order a special election to fill the same, and the person by it appointed shall hold office until the person chosen at such election shall be duly qualified; otherwise the person appointed by such county court, or other tribunal, as aforesaid, shall hold office until the person chosen at such general election shall be duly qualified. If a vacancy happen in the office of coroner, the same shall be filled, for the remainder of the term, by such county court or other tribunal. No person elected or appointed to fill a vacancy in either of said offices shall, thereby, be rendered ineligible for the next succeeding term.

SEC. 26. In all elections for sheriff and coroner, when two or more persons have an equal number of votes, and a higher number than any other person, the presiding judge of the county court of the county shall give the casting vote; and all contested elections for the said offices shall be decided by the circuit court of the proper county, in such manner as the General Assembly may, by law, prescribe.

SEC. 27. The Governor shall commission all officers not otherwise provided by law; but all such commissions shall run in the name and by the authority of the State of Missouri, be sealed with State seal, signed by the Governor, and attested by the Secretary of State.

Mr. HUSMANN, of the Committee on Executive Department, submitted the following minority report:

The undersigned, members of the Committee on Executive, beg leave to submit the following minority report:

We cordially agree with the majority of the committee, in all the propositions submitted by them to your honorable body, except in including the single word "white," in sections 2 and 23 of article 4, which we wish to see omitted. In differing thus from the majority of the committee, we beg leave to state that we do so not from petty inclination to cavil or strife, but because we

believe that one all-merciful God is the Father of all, and that, before Him, all men are equal; that we act in accordance with His will, as well as with the dictates of our conscience, and the views of our constituents, by protesting against any distinction, to be made in the organic law henceforth to govern the *free* State of Missouri, between white, black, red, or brown, but that all are equal. We hold that we were not sent here to pander to a prejudice which may unfortunately exist, but to deal equal justice to all, without regard to color.

With all due deference and kindly feeling toward the views of the other members of the committee, we beg leave to enter our most solemn protest against inserting the word "white" in any of the articles of the new Constitution of our State, which we still hope and pray will be a model of justice to *all*. We are not afraid that a colored citizen will ever be an aspirant to the office of Governor, or any other State office; but should it be so, should he—though sprung from a race systematically kept in ignorance by the tyranny of the white man—still be the superior of his white competitor, in qualification or talent, we do not wish that he should be barred out because, unfortunately, his skin was not as white.

All of which is respectfully submitted.

GEORGE HUSMANN,  
G. C. THILENIUS,

*Members of Committee on Executive.*

On motion, 200 copies of each report, with the accompanying Article, were ordered to be printed for the use of the members.

On motion, the Convention adjourned until 3 o'clock this afternoon.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, Mr. President in the chair.

A quorum being present, the Convention proceeded to business.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein the Vice President took the chair, and Mr. BONHAM reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the Article on Declaration of Rights, but had come to no resolution thereon.

On motion, the Convention adjourned until 10 o'clock to-morrow morning.

## TENTH DAY.

THURSDAY, JANUARY 19th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Fenton.

Journal of yesterday's proceedings read by the Secretary and approved.

Mr. BUDD presented a petition from the Rev. Dr. Eliot, praying for an ordinance to establish certain qualifications of voters in Missouri, which was read for information, and, on motion, referred to the Committee on Elective Franchise.

Mr. WILLIAMS of Scotland presented five petitions from the Loyal Leagues of North Missouri, praying for a change in the judiciary system of Missouri; one of which was read for information, and they were, by order, referred to the Committee on Judiciary.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the

Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. GILSTRAP reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, but had come to no resolution thereon.

On motion, the Convention adjourned until 3 o'clock this afternoon.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

A quorum being present, the Convention proceeded to business.

On motion of Mr. DRAKE, the Convention

resolved itself into a Committee of the Whole to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. BUDD reported that the Committee of the Whole had, according to

order, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, but had come to no resolution thereon.

On motion, the Convention adjourned until to-morrow morning at 10 o'clock.

## ELEVENTH DAY.

FRIDAY, JANUARY 20th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Dr. Post.

Mr. BONHAM introduced the following ordinance on the confiscation of rebel property in this State for the use of the State; also, the following preamble and resolutions:

### ORDINANCE OF CONFISCATION.

SECTION 1. All property, both real and personal, in this State, owned by any person or persons having a wife or issue of his own body alive, who has, since the commencement of the present rebellion, taken up arms against the General Government, or against the Provisional Government of this State, or who has aided and abetted the enemies thereof, by furnishing food or raiment, or munitions of war of any description whatever, shall be confiscated to the State of Missouri during the life-time of the owner thereof; and the Legislature shall pass laws to take possession of all such property, and dispose of the same for the benefit of the State.

SEC. 2. All property, both real and personal, owned in this State by any person or persons having neither wife nor issue of his own body alive, who has, since the present rebellion commenced, taken up arms against the Government of the United States, or against the Provisional Government of this State, or who has aided and abetted the enemies thereof by furnishing food or raiment of any kind or description whatever, is hereby confiscated to this State forever; and the Legislature shall pass laws to take possession of all such property, and sell or dispose of the same for the benefit of the State.

SEC. 3. All property, both real and personal, owned by any person or persons in this State who shall hereafter take up arms against the Government of the United States, or against the Government of the State of Missouri, or who shall hereafter aid or abet the enemies thereof in any manner or form, directly or indirectly, or who shall hereafter refuse to aid either government aforesaid in repelling invasion or suppressing rebellion,

shall be confiscated and forfeited to this State forever, and shall be disposed of by the Legislature for the benefit of the State.

SEC. 4. The net proceeds of all property mentioned in this article shall inure to the benefit of education, and shall be applied to the support of schools, and be used for no other purpose whatever.

SEC. 5. This ordinance shall not be of force until the Congress of the United States shall approve of the same, by joint resolution, or otherwise.

WHEREAS, A large number of wealthy citizens of this State, since the commencement of the present rebellion, have levied war and taken up arms against the Government of the United States and the Provisional Government of this State, thereby denationalizing themselves by their own voluntary act, and by which they have forfeited all their rights under the Constitution and laws of the United States, and also under the Constitution and laws of Missouri; and

WHEREAS, Through the fiendish acts of disloyal persons, Missouri has been brought to the verge of ruin, her loyal citizens have been tortured, mobbed and slain in the most barbarous manner, because they dared to maintain and defend our National Government; their houses have been sacked and burned, until Missouri has become one vast desolation, where rebels could gain a foothold; and

WHEREAS, This Convention believes that our National Government is willing to do justice to all States that have been loyal to our national flag; and this Convention further believes that our Government has the right to confiscate rebel property; but, in justice to our depopulated State and financial condition, and in justice to the loyal people of Missouri, her Legislature should have the control and benefit of rebel property confiscated during the life-time of the owner thereof, who has a wife or issue of his own body alive; and this Convention further believes that property confiscated, owned by disloyal persons having neither wife nor issue

of his own body alive, justly belongs to the State of Missouri forever; and

WHEREAS, This Convention does not intend to do any act conflicting with existing laws of Congress on the subject of the confiscating of property belonging to disloyal persons of Missouri: be it therefore

*Resolved by this Convention,* That our honorable Senators and members of the House of Representatives in Congress are requested to use all honorable means to procure the passage of joint resolutions by Congress, releasing to the State of Missouri all property owned in this State which has been confiscated to the United States in pursuance of laws passed by Congress relative to the confiscation of property owned by disloyal persons, and that the proceeds of said property be applied to the objects set forth in an article for the confiscation of property, passed by this Convention.

*Resolved,* That an authenticated copy of these resolutions, accompanied by an authenticated copy of an ordinance for the confiscation of property, passed by this Convention, be forwarded, by the Secretary of this Convention, to the President and Vice President of the United States, one copy to the Speaker of the House of Representatives in Congress, and one copy to each of our Senators and members in Congress from this State.

Mr. BONHAM moved that the President appoint a special committee of seven to take said ordinance and resolutions under consideration, and to report by ordinance, or otherwise; which motion was agreed to.

Mr. STRONG introduced a communication concerning rebel property in Lexington, Lafayette county, Missouri, and asked that it be referred to the same special committee that took under consideration the ordinance and resolution offered by Mr. Bonham; and the communication was ordered to be so referred.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. LEONARD reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, but had come to no resolution thereon.

On motion of Mr. SR. GEM, the Convention adjourned until 3 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. MITCHELL presented a petition from the Loyal League of North Missouri, which was read and referred to the Committee on the Judiciary.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. HUME reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, but had come to no resolution thereon.

On motion of Mr. SR. GEM, leave of absence was granted to Mr. Fletcher.

On motion of Mr. OWENS, the Convention adjourned until to-morrow morning at 10 o'clock.

## T W E L F T H D A Y .

SATURDAY, JANUARY 21st, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Nicolls.

A communication and abstract received from Hon. Francis Rodman, Secretary of State, was read for information.

On motion of Mr. DRAKE, the communication and enclosed abstract were ordered to be spread upon the journal of the Convention. They are as follows:

OFFICE SECRETARY OF STATE, MISSOURI, }  
City of Jefferson, January 19, 1865. }  
Hon. A. KREKEL, President of the State Convention, St. Louis, Mo.:

SIR—In obedience to a resolution adopted by the State Convention, I have the honor to submit the enclosed abstract of votes cast in the several counties of the State at the last November election "for" and "against" a "State Convention," as returned to this office. A number of counties did not make any return at all, while others in their re-

turns only quoted the name of the persons elected to the Convention, without giving the number of votes cast either "for" or "against." The Fifteenth Senatorial District, composed out of the counties Johnson, Henry, Benton and St. Clair, returned the vote "for" and "against" a "State Convention," as east in the whole Senatorial District, consequently I am not able to furnish the vote of these counties separately.

I have the honor to be, very respectfully, your obedient servant,

FRANCIS RODMAN, Sec'y of State.

*Abstract of the votes cast "for" and "against" a "State Convention," at the November election, A. D. 1864, of the State of Missouri:*

| Counties.         | For<br>Convent'n | Against<br>Convent'n | Counties.          | For<br>Convent'n | Against<br>Convent'n |
|-------------------|------------------|----------------------|--------------------|------------------|----------------------|
| Adair .....       | 576              | 124                  | Linn .....         | 682              | 107                  |
| Andrew.....       | 316              | 38                   | Livingston.....    | 355              | 446                  |
| Atchison.....     | 625              | 5                    | McDonald.....      | 26               | ---                  |
| Audrian.....      | 128              | 395                  | Macon.....         | 131              | 10                   |
| Barry.....        | 119              | 20                   | Madison.....       | 219              | 58                   |
| Bates.....        | 27               | ...                  | Marion.....        | 9 3              | 451                  |
| Barton.....       | ...              | ...                  | Maries.....        | 112              | 128                  |
| Benton*.....      | ...              | ...                  | Mercer.....        | 959              | ---                  |
| Bollinger.....    | 128              | 25                   | Miller.....        | 404              | ---                  |
| Boone.....        | 174              | 839                  | Mississippi.....   | 39               | 251                  |
| Buchanan.....     | 1771             | 763                  | Moniteau.....      | 678              | 410                  |
| Butler.....       | ...              | ...                  | Monroe.....        | 105              | 635                  |
| Caldwell.....     | 412              | 74                   | Montgomery.....    | 492              | 227                  |
| Callaway.....     | 263              | 970                  | Morgan.....        | 214              | 235                  |
| Camden.....       | 439              | 8                    | New Madrid.....    | 44               | 97                   |
| C. Girardeau..... | 948              | 497                  | Newton.....        | 55               | ---                  |
| Carroll.....      | 212              | 79                   | Nodaway.....       | 740              | 5                    |
| Carter.....       | ...              | ...                  | Oregon.....        | ...              | ---                  |
| Cass.....         | 66               | 104                  | Osage.....         | 586              | 656                  |
| Cedar.....        | 295              | ...                  | Ozark.....         | ...              | ---                  |
| Chariton.....     | 337              | ...                  | Pemiscot.....      | ...              | ---                  |
| Christian.....    | 3 6              | 1                    | Perry.....         | ...              | ---                  |
| Clarke.....       | 393              | 100                  | Pettis.....        | 718              | 360                  |
| Clay.....         | 179              | 776                  | Phelps.....        | 70               | 1                    |
| Clinton.....      | 217              | ...                  | Pike.....          | 1064             | 910                  |
| Cole.....         | 1069             | 478                  | Platte.....        | 378              | 829                  |
| Cooper.....       | 627              | 414                  | Polk.....          | 616              | 69                   |
| Crawford.....     | 377              | 274                  | Pulaski.....       | ...              | ---                  |
| Dade.....         | 399              | 11                   | Putnam.....        | ...              | ---                  |
| Dallas.....       | 421              | ...                  | Ralls.....         | 241              | 204                  |
| Davies.....       | 740              | 283                  | Randolph.....      | 3 7              | 315                  |
| DeKalb.....       | 303              | 150                  | Ray.....           | ...              | ---                  |
| Dent.....         | 108              | ...                  | Reynolds.....      | ...              | ---                  |
| Dodge.....        | ...              | ...                  | Ripley.....        | ...              | ---                  |
| Douglas.....      | 134              | 2                    | St. Charles.....   | 1486             | 360                  |
| Dunklin.....      | ...              | ...                  | St. Clair.....     | 223              | ---                  |
| Franklin.....     | 1617             | 327                  | St. Francois.....  | 137              | 62                   |
| Gasconade.....    | 70               | 120                  | St. Genevieve..... | 339              | 182                  |
| Gentry.....       | ...              | ...                  | St. Louis.....     | 13322            | 7263                 |
| Green.....        | 1651             | 303                  | Saline.....        | 177              | 64                   |
| Grundy.....       | 643              | 26                   | Schuylerville..... | 329              | 194                  |
| Harrison.....     | 1130             | 187                  | Scotland.....      | 878              | 523                  |
| Henry*.....       | ...              | ...                  | Scott.....         | 160              | 142                  |
| Hickory.....      | 273              | 1                    | Shannon.....       | ...              | ---                  |
| Holt.....         | 525              | 75                   | Shelby.....        | 360              | 219                  |
| Howard.....       | 308              | 5                    | Stoddard.....      | ...              | ---                  |
| Howell.....       | ...              | ...                  | Stone.....         | 92               | ---                  |
| Iron.....         | 471              | ...                  | Sullivan.....      | 697              | 144                  |
| Jackson.....      | 501              | 456                  | Taney.....         | ...              | ---                  |
| Jasper.....       | 5                | 12                   | Texas.....         | 3                | ---                  |
| Jefferson.....    | 917              | 228                  | Vernon.....        | ...              | ---                  |
| Johnson*.....     | ...              | ...                  | Warren.....        | 897              | 261                  |
| Knox.....         | 586              | 339                  | Washington.....    | 441              | 264                  |
| Laclede.....      | 142              | 44                   | Wayne.....         | 95               | 14                   |
| Lafayette.....    | 231              | 402                  | Webster.....       | 318              | 186                  |
| Lawrence.....     | 525              | 42                   | Worth.....         | 184              | 84                   |
| Lewis.....        | 755              | 541                  | Wright.....        | 5                | 51                   |
| Lincoln.....      | 474              | 345                  |                    |                  |                      |

\* Aggregate vote of Fifteenth Senatorial District, composed of the counties of Johnson, Henry, Benton, and St. Clair.....

1834 470

56,418 28,832

OFFICE SECRETARY OF STATE, }  
City of Jefferson, Mo., Dec. 19, 1865. }

I, FRANCIS RODMAN, Secretary of the State of Missouri, do hereby certify that the above and foregoing is a true and correct abstract of votes polled "for" and "against" a State Convention, at the election held on the 8th day of November, A. D. 1864, as returned and now on file in this office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of my [L. S.] office, the day and year above written.

FRANCIS RODMAN.

Secretary of State.

The following Special Committee on Confiscation was announced, viz.: Messrs. Bonham, Owens, Mack, Folmsbee, Gilbert of Platte, Holland, and Dodson.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. MITCHELL reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, but had come to no resolution thereon.

On motion of Mr. DAVIS of Nodaway, the Convention adjourned until 3 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the char, and Mr. FOLMSBEE reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, but had come to no resolution thereon.

Mr. MEYER, Chairman of committee to employ suitable persons to report the proceedings of this Convention, presented the following supplementary report:

The Committee to employ a suitable person to report the proceedings and debates of this Convention, beg leave to make a supplementary report, and would recommend that Mr. L. L. Walbridge, the reporter of the

Convention, be authorized to employ such assistance as he may require, and that in compensation therefor he shall be allowed seventy dollars (\$70) per week for the time he is actually engaged in writing out the debates, revising and preparing the same for the press, after the adjournment of the Convention, and that the Committee to employ the reporter be authorized to audit his account.

On motion of Mr. STRONG, the report was received and adopted.

Mr. WILLIAMS of Caldwell asked leave of absence for two days, which was granted.

Mr. HOLLAND gave notice that he would introduce the following additional rule on Monday:

*Rule —.* The rules of proceedings in the Convention shall be observed in Committee of the Whole so far as they be applicable, and no member shall speak twice to any question until every member choosing to speak, shall have spoken.

Which was read, and laid over under the rule governing the Convention.

Mr. FILLEY rose to a privileged question, and gave an explanation as regards the amount of expenses, up to date, that have been incurred by the Committee on Printing, for the Convention.

On motion of Mr. DRAKE, the Convention adjourned till next Monday morning, at 10 o'clock.

## THIRTEENTH DAY.

MONDAY, JANUARY 23d, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. G. Anderson.

The rule proposed by Mr. HOLLAND, on Saturday, limiting debate in Committee of the Whole, was read a second time.

Mr. BUDD offered the following amendment to the rule as proposed:

*Provided,* When a report of a committee is under consideration, the chairman of such committee shall be privileged to speak as often as he may deem expedient.

Mr. HOLLAND accepted the amendment.

The question then being on the adoption of the rule as amended, it was rejected.

Mr. STRONG offered the following resolution, which was adopted:

*Resolved,* That Dr. W. G. Eliot be requested to deliver an address in this hall on Tuesday evening, the 24th instant, at 7½ o'clock, on the subject of "Education, as connected with the Right of Suffrage."

Mr. GREEN asked leave of absence for Mr. Clover, which was granted.

Mr. WEATHERBY asked leave of absence for Mr. Smith of Worth, which was granted.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and

Mr. HOLCOMB reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, but had come to no resolution thereon.

On motion of Mr. BONHAM, the Convention adjourned until 3 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. DRAKE, the Convention resolved itself into Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. ESTHER reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, but had come to no resolution thereon.

On motion of Mr. MARTIN, leave of absence was granted to Mr. Adams.

On motion of Mr. D'OEUCH, the Convention adjourned until to-morrow morning at 10 o'clock.

## FOURTEENTH DAY.

TUESDAY, JANUARY 24th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Cole.

On motion of Mr. BONHAM, the Convention resolved itself into a Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. ST. GEM reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, but had come to no resolution thereon.

On motion of Mr. BONHAM, the Convention adjourned until 3 o'clock P. M.

### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

The President caused to be read a petition

from the soldiers of the 56th regiment Missouri volunteers (colored), praying the Convention to extend to colored soldiers the right of suffrage.

On motion of Mr. STRONG, the petition was referred to the Committee on Elective Franchise.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. McPHERSON reported that the Committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, but had come to no resolution thereon.

On motion of Mr. FOLMSBEE, the Convention adjourned until 10 o'clock to-morrow morning.

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## FIFTEENTH DAY.

WEDNESDAY, JANUARY 25th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Dr. Schuyler.

Mr. HUSMANN offered the following resolution, which was adopted:

*Resolved*, That the thanks of this Convention are due, and are hereby tendered, to the Rev. Mr. Eliot, for the eloquent and able address on education, connected with the elective franchise, delivered here last night.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. HUSMANN reported that the Committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, but had come to no resolution thereon.

On motion of Mr. BONHAM, the Convention adjourned until 3 o'clock P. M.

### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. BONHAM, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. DAVIS of Nodaway reported that the Committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, but had come to no resolution thereon.

On motion of Mr. MACK, the Convention adjourned until 10 o'clock to-morrow morning.

# SIXTEENTH DAY.

THURSDAY, JANUARY 26th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. A. A. Kendrick.

The PRESIDENT appointed the following gentlemen as a Committee on Revision under the rule, viz.: Messrs. Drake, Evans, Bush, Ellis, and Strong.

Mr. GAMBLE asked and obtained leave of absence for Mr. Martin.

Mr. BONHAM offered the following preamble and ordinance relative to the Atchison and St. Joseph, and Atchison and Weston, and the Platte Country railroads, which was read the first and second time, and, on motion of Mr. BUDD, referred to the Committee on Finance:

WHEREAS, In the year —, the Legislature of this State incorporated the St. Joseph and Atchison railroad companies, and in the year —, the Legislature incorporated the Atchison and Weston Railroad Company; and, whereas, said companies completed a part of the road bed, or grade, to each of said roads; and, whereas, the Legislature, in the year —, incorporated the Platte Country Railroad Company, and authorized the issuing of seven hundred thousand dollars in State bonds, to aid in the construction of said road, both south and north of St. Joseph; and, whereas, the companies of the two former roads did transfer all their rights and franchises of said roads, together with the road beds already constructed, to the Platte Country Railroad Company; and, whereas, the Platte Country Railroad Company took possession of said road beds, and, with the bonds issued by the State, completed said roads from St. Joseph to Atchison and Weston; and, whereas, the Platte Country Railroad Company forfeited the right to said road by the non-performance of the contract with the State, in the neglect and refusal of said company to pay the interest on the State bonds; and, whereas, the State sold said road, in September last, under the mortgage lien of the State, and the State became the purchaser thereof; and, whereas, the Platte Country Railroad Company, after having complete authority over, and did control, said road, and receiving the earnings of the same for four years, claim, together with the other two companies, that the transfer of the franchises and road beds to said Platte Country Railroad Company was illegal and void; therefore,

*Be it ordained by the People of the State of Missouri, in Convention assembled:*

SECTION 1. That all foreclosures of liens against railroad companies wherein State bonds have been issued to aid the same, and the State becomes the purchaser on the sale of foreclosure of mortgage, the State shall take, hold, and retain the possession of the same, until a sale of such road can be effected by the State.

SEC. 2. That the transfer of the St. Joseph and Atchison Railroad Companies' franchises and road bed, and also the transfer of the Atchison and Weston Railroad franchises and road bed, to the Platte Country Railroad Company, is hereby declared to be legal and binding upon each company, respectively, and the charters of all three of said companies are hereby declared to be forfeited; and the Legislature is hereby prohibited from compromising with either or all of said companies, unless the said company or companies pay to said State, in Missouri Railroad Bonds, or otherwise, the amount due the State as interest on said bonds, and in addition thereto, said company or companies shall deliver to the State one year's interest on the seven hundred thousand dollars due the State, in advance, and thereafter, one year's interest shall be paid in advance, annually.

Mr. WILLIAMS of Caldwell offered a preamble and resolutions relative to the present draft, praying to have the same stopped.

Mr. MACK moved that the matter be referred to the Committee on Militia, which motion was disagreed to.

Mr. HOLLAND moved to refer it to a special committee of three.

Pending which, Mr. WILLIAMS of Caldwell moved to amend the motion of Mr. Holland, by requiring said committee to report by Saturday morning next, at 10 o'clock, which amendment was adopted.

The motion, as amended, was then adopted.

The PRESIDENT appointed the following gentlemen as a special committee, to take under consideration the resolutions of Mr. Williams of Caldwell, viz: Messrs. Williams of Caldwell, Holland, and Smith of Worth.

Mr. ST. GEM offered the following resolution, which was referred to the Committee on Legislative Department:

*Resolved*, That all married women who are residents of the United States, and who are loyal to the Government thereof, have the right to hold property in their own name, both real and personal, independent of their husbands, and have the right to contract and be contracted with, independently of their said husbands.

On motion of Mr. BUDD, the Convention resolved itself into a Committee of the Whole to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. FOSTER reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, but had come to no resolution thereon.

On motion of Mr. DAVIS of Nodaway, the Convention adjourned until 3 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. GILSTRAP asked leave of absence for Mr. Green, which was granted.

Mr. DAVIS of New Madrid asked leave of absence for Mr. Bedford, which was granted.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. WEATHERBY reported, that the Committee had, according to orders, had under consideration amendments to the Constitution, and particularly the article on Declaration of Rights, and had instructed him to report the same back, with sundry amendments.

Mr. FLETCHER asked leave of absence for Mr. Owens, which was granted.

On motion of Mr. FLETCHER, the Convention adjourned until 10 o'clock to-morrow morning.

## SEVENTEENTH DAY.

FRIDAY, JANUARY 27th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Dr. B. F. Crary.

The preamble and resolutions relative to the taxation of foreigners and aliens, presented by Mr. Meyer, and heretofore referred to the Committee on Elective Franchise, and by them reported back, was, on motion of Mr. BONHAM, taken from the file, and referred to the Committee on Finance.

The Convention then took up the Declaration of Rights; the pending question being on the amendments reported back from the Committee of the Whole to the Convention, and, upon which the main question was ordered to be put.

The first amendment having been read, as follows:

Section 3, (printed bill), insert after the word "contract" the words "otherwise than as others are disabled,"

The question was put, "Will the Conven-

tion agree thereto?" and it was decided in the affirmative, without a division.

So the first amendment was adopted.

The second amendment having been read, as follows:

Section 7, second line, strike out the words "is not bound by any," and insert in lieu thereof the words "that no," and add at the end of said section the words "can have any binding force,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the second amendment was adopted.

The third amendment having been read, as follows:

Section 9, fourth line, after the word "State" the words "nor be disqualified from testifying,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the third amendment was adopted.

The fourth amendment having been read, as follows:

Section 11, insert after the word "any" the word "church,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the fourth amendment was adopted.

The fifth amendment having been read, as follows:

Section 12, third line, insert after the word "any" the words "church or,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the fifth amendment was adopted.

The sixth amendment having been read, as follows:

Section 12, fourth line, strike out the word "suitable," and insert the word "required,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the sixth amendment was adopted.

The seventh amendment having been read, as follows:

Section 13, eleventh line, strike out the word "a" and insert "an incorporated church,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the seventh amendment was adopted.

The eighth amendment having been read, as follows:

Section 13, ninth and tenth lines, strike out the words "without the prior or subsequent sanction of the General Assembly,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the eighth amendment was adopted.

The ninth amendment having been read, as follows:

Section 13, eleventh line, after the word "congregation," insert the words "or to any person or persons, in trust, for the use of a church, religious society, or congregation, whether incorporated or not,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the ninth amendment was adopted.

The tenth amendment having been read, as follows:

Section 14, strike out the word "shall," and insert the words "ought to,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the tenth amendment was adopted.

The eleventh amendment having been read, as follows:

Section 17, strike out all after the word "inviolate,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the eleventh amendment was adopted.

The twelfth amendment having been read, as follows:

Section 18, fifth line, strike out the words "of the vicinage,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the twelfth amendment was adopted.

The thirteenth amendment having been read, as follows:

Section 26, strike out the words "or forfeiture of estate," and insert in lieu thereof the words "that there can be no forfeiture of estate for any crime except treason,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the thirteenth amendment was adopted.

The fourteenth amendment having been read, as follows:

Strike out all of section 30,

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the fourteenth amendment was adopted.

The fifteenth amendment having been read, as follows:

Section 31, strike out the word "shall," and insert in lieu thereof the words "ought to,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the fifteenth amendment was adopted.

The sixteenth amendment having been read, as follows:

Section 32, strike out the word "shall," after the word "distinction," and insert in lieu thereof the word "can,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the sixteenth amendment was adopted.

The seventeenth amendment having been read, as follows:

Section 32, strike out all after the word "granted,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the seventeenth amendment was adopted.

The eighteenth amendment having been read, as follows:

Section 33, first line, strike out the word "shall," and insert in lieu thereof the words "ought to,"

The question was put, "Will the Convention agree thereto?" and it was decided in the affirmative, without a division.

So the eighteenth amendment was adopted.

On motion of Mr. DRAKE, the further consideration of the Declaration of Rights was postponed, in order to have the same print-

ed, with the amendments thereto, for the use of the Convention, and that the same be made the special order for February 2, 1865.

On motion of Mr. EVANS, the Convention adjourned until 3 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. KING reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections, Qualifications of Voters, Officers, and others, but had come to no resolution thereon.

On motion of Mr. D'OENCH, the Convention adjourned until 10 o'clock to-morrow morning.

## EIGHTEENTH DAY.

SATURDAY, JANUARY 28th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Osborn.

Mr. HOLLAND, from the committee to take under consideration the preamble and resolution offered by Mr. WILLIAMS of Caldwell, relative to the draft, moved that the time for said committee to report be extended till Monday next, at 10 A. M., which was agreed to.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. GAMBLE reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections, and Qualifications of Voters, Officers, and others, but had come to no resolution thereon.

On motion of Mr. FILLEY, the Convention adjourned until 3 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the Vice President in the chair.

On motion of Mr. STRONG, Mr. Bonham was added to the Committee on Finance.

Upon request of Mr. PECK, leave of absence was granted to him.

On motion of Mr. BONHAM, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the Vice President resumed the chair, and Mr. SMITH of Mercer reported that, according to order, the Committee of the Whole had had under consideration amendments to the Constitution, and particularly the article on Elections and Quali-

cations of Voters, Officers and others, but had come to no resolution thereon.

On request of Mr. HUGHES, leave of absence was granted him.

On motion of Mr. LINTON, leave of absence was granted to Mr. Budd.

On request of Mr. SWITZLER, leave of absence was granted him.

On motion of Mr. DAVIS of Nodaway, the Convention adjourned until Monday morning next, at 10 o'clock.

## NINETEENTH DAY.

MONDAY, JANUARY 30th, 1865.

Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by the Rev. Dr. Eliot.

Mr. WILLIAMS of Caldwell, Chairman of the committee to take under consideration the preamble and resolutions offered by him relative to the draft, reported progress, and asked leave to have the time for said committee to report extended till Tuesday, January 31, at 10 o'clock A. M., which was agreed to.

On motion of Mr. SMITH of Worth, leave of absence was granted to Mr. Weatherby for two days.

Mr. HOLLAND offered the following resolution, which was adopted:

*Resolved*, That hereafter this Convention will meet at half-past 9 o'clock A. M., and half-past 2 o'clock P. M.

Mr. NEWGENT offered the following resolution, which was rejected:

*Resolved*, That the Committee on Judiciary be, and are hereby instructed to report in relation to the ordinance entitled "An ordinance for the protection of citizens and soldiers," on Tuesday, January 31, at 10 o'clock A. M., and that it be the special order for that day.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. ELLIS reported that the Committee of the Whole had, according to order,

had under consideration amendments to the Constitution, and particularly the article on Elections and Qualifications of Voters, Officers and others, but had come to no resolution thereon.

On motion of Mr. FILLEY, the Convention adjourned until half-past 2 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the Chair.

Mr. FOSTER requested that leave of absence be granted him for four days; which was granted.

On motion of Mr. NEWGENT, leave of absence was granted to Mr. Swearingen.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. FOLMSBEE reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections and Qualifications of Voters, Officers and others, but had come to no resolution thereon.

On motion of Mr. FILLEY, the Convention adjourned until to-morrow morning at half-past 9 o'clock.

# TWENTIETH DAY.

TUESDAY, JANUARY 31st, 1865.

Convention met pursuant to adjournment, the President in the chair.

A communication and resolution relative to suffrage, received from Mr. Ferdinand Meyer, chairman of a meeting held January 29, 1865, at Turner Hall, was read for information, and, on motion, laid on the table.

Mr. WILLIAMS of Caldwell offered the following report in connection with a memorial to the President of the United States, and, also a memorial to Colonel E. B. Alexander, Provost Marshal General of Missouri, which were received and read, and, on motion of Mr. DRAKE, ordered to be printed for the use of the Convention:

Mr. PRESIDENT—The special committee appointed to memorialize the President of the United States, concerning our quota and the coming draft, beg leave to make the following report:

We have had the matters referred to us under careful consideration, and find that notwithstanding corrections are being constantly made in our enrollments, and that our quotas are assigned from the latest corrected returns, and not from any *original* enrollment, still, our enrollments, which were largely in excess of our available arms-bearing population, when first made, have never been fully corrected, and we are constrained to believe that a correct enrollment would show a total much less than the numbers apparent on our present roll; we, therefore, recommend the adoption of the accompanying memorials to the President of the United States and the Assistant Provost Marshal of Missouri.

All of which is respectfully submitted.

J. WILLIAMS,  
W. S. HOLLAND, } Committee.  
E. SMITH,

SMALL HALL, MERCANTILE LIBRARY, }  
St. Louis, Mo., January 31, 1865. }

*His Excellency ABRAHAM LINCOLN, President of the United States:*

The Constitutional Convention, now in session in St. Louis, on behalf of the people of Missouri beg leave respectfully to represent that, after a very patient and careful investigation into the number of soldiers we have furnished the Government, and the probable arms-bearing population of the State at the present time, we think we are justified in submitting for your consideration the following facts:

At the Presidential election in 1860, this State gave a total vote of 165,518, which has

been diminished by the rebels going south, by the bushwhackers, by the Union men murdered at their homes, by the soldiers who have died in the service, by all the disloyal who have gone to other States to escape military duty in this, and by all the Union men who have been compelled to seek refuge in other States, because they could not safely live here.

Notwithstanding all these heavy drains on our population, we have furnished, up to December 31, 1864, to the Government, 83,466 men; but these heavy drains have rapidly reduced our population, as is clearly shown by the election returns of the last Presidential election, at which we only polled 103,302 votes, or 62,216 less than at the beginning of this war.

Our present enrollment represents this State as having, subject to military duty, 158,915, to which add the number of soldiers now in the United States service, about 38,000, which foots up 196,915, or 31,397 more than we had voters at the outbreak of this rebellion, notwithstanding we have sustained a loss of 62,216 voters.

Now, again, take the vote of November 8, 1864, which was 103,302; subtract from this our soldier vote, which can not be arrived at precisely, but we put it at the low estimate of 16,000, which leaves our civil voting strength at 87,302, or 71,613 less than our enrollment.

These figures, which imply that we have almost twice as many fighting men as voters, clearly demonstrate, as we think, that our present enrollment is largely in excess of our real arms-bearing population.

This excess is attributable to the fact that at the time of our first enrollment many thousands of rebels in the rebel army and in the bush were enrolled because their families were here; and many thousands of Union men and rebels have changed their homes since, which changes have not yet been noted on our enrollments, owing to the difficulty of getting corrections made.

While we are proud to say that, so far as our loyal people are concerned, there is not in this government a more Union-loving people, or a people who are more willing to give the last man and the last dollar, if necessary, to sustain the government, yet we wish to call your attention to the peculiar and suffering condition of the people of this State.

You will bear in mind that at the beginning of the second year of this war almost, if not quite, half of our people were disloyal, and the men who have been cheerfully given to fill up the Union armies have been taken almost exclusively from the Union element—the disloyal going either to the rebel army,

into the brush, to other States to avoid militia duty, or remaining at home, protected by the Federal arms, and fearing nothing from rebels or bushwhackers.

Our Union men have not only cheerfully gone into the Federal armies—they have also done all the efficient militia service in the State, which has, at times, required the active service, in the field, of every able-bodied Union man in the State; and with all the Federal forces we have had, assisted by the militia of the State and at times by thousands of Union citizens not subject to military duty, we have not been able to afford that protection to Union men which would make them secure in their persons and property; in consequence of which thousands of them have left their homes and gone to seek that security and safety in other States which we are unable to afford them in this; and large numbers are now fixing to leave different parts of the State, because of the troubles apprehended during the coming summer and fall. From many counties the Union men have gone into the service until the few left among the many rebels have no adequate power to protect themselves.

If the draft could take largely from the disloyal population, which has furnished very few men, we could fill our present quota and then feel stronger and more secure than we do now; but most of the rebels drafted either furnish loyal substitutes, or run off to evade the service, and hence nearly all the men furnished are from the Union ranks.

We need every loyal man within our borders for home protection, they being the only portion of our population worth any thing for militia service or home defense.

Every loyal Missourian is a soldier, and they, knowing our country, the people, and our wants, are worth a great deal more for our protection from guerrillas than any soldiers from abroad can be.

We do not require any special favors to keep our loyalty alive, but in view of the past, present and prospective sufferings of the loyal people of Missouri—she being a weaker and more afflicted sister in the great family of States—we almost feel that we have a right to expect to be treated with a little more tenderness and favor than some of our stronger sisters.

In conclusion, while we feel that our own safety requires the complete organization and co-operation of every Union man in the State, at home, still we will not ask to be excused from a draft if, in your judgment, the good of the nation requires it. We do, however, most respectfully ask that the draft may be suspended until we can have a complete and thorough re-enrollment of the State made wherever it is necessary. And we would further ask, if not inconsistent with the public good, that Missouri soldiers may be assigned to the duty of protecting her borders.

SMALL HALL, MERCANTILE LIBRARY, }  
St. Louis, January 30, 1865. }

*Colonel E. B. ALEXANDER, Provost Marshal General of Missouri:*

The Constitutional Convention now assembled in the city of St. Louis, knowing that in a great many counties in this State the original enrollments included numbers of men then in the rebel army and in the bush, as well as every class and condition of the physically disabled; and that great numbers have left the State since they were enrolled; and that, owing to the great distance of many counties from the headquarters of boards of enrollment, and the consequent trouble and expense to individuals of getting their names stricken from the rolls, persons who are clearly entitled to exemption, if drafted, can not be expected to be at the trouble and expense of going to the board for examination; and the corrections of the rolls, being the business of everybody, have to a great extent been neglected by everybody; therefore, that this important matter may not be left to chance, we have to ask that, if within your power, you will send to every county in the State, where it has not been done, an enrolling board, who can pass not only on the non-residence and alienage of parties, but also on their physical disabilities.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the Vice President resumed the chair, and Mr. NIXDORF reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections, and Qualifications of Voters, Officers, and others, but had come to no resolution thereon.

Mr. OWENS introduced a communication from citizens of Lafayette county, Missouri, addressed to his excellency Gov. Fletcher, relative to deposing certain county officers of that county, who are alleged to be disloyal, and moved that it be referred to the Committee on the Judiciary, which was done.

On motion of Mr. MEYER, the communication and resolutions introduced by him this day were taken from the table, and referred to the Committee on the Legislative Department.

On motion of Mr. D'OENCH, the Convention adjourned until half-past 2 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. BONHAM reported that the Committee of the Whole had, according to order,

had under consideration amendments to the Constitution, and particularly the article on Elections and Qualifications of Voters, Officers and others, but had come to no resolution thereon.

Mr. HUME asked that leave of absence be granted him for five days, which was granted.

On motion of Mr. GILSTRAP, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## TWENTY-FIRST DAY.

WEDNESDAY, FEBRUARY 1st, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Pettigrew.

Mr. MARTIN offered a petition from the loyal citizens of Pike county, signed by forty-seven names, asking that the Ordinance of Emancipation, as passed by the Convention, be made irrevocable; which was read for information, and laid on the table.

Mr. NEWGENT, Chairman of the Committee on the Militia, presented the following report, which was read, and, on motion of Mr. MEYER, ordered to be printed for the use of the Convention:

### ARTICLE —.

#### *Militia.*

All male inhabitants of the State of Missouri, who are citizens of the United States, or who have declared their intention of becoming citizens of the United States, between the ages of eighteen and forty-five years, shall be liable to military duty. The militia shall be divided into two classes, as follows:

First class shall consist of all persons subject to military duty, between the ages of eighteen and twenty-three years, and all such unmarried persons between the ages of twenty-three and thirty-five years, and shall be styled the "National Guards."

Second class shall consist of all unmarried persons, subject to military duty, between the ages of thirty-five and forty-five years, and all such married persons between the ages of twenty-three and forty-five years, and shall be styled the "Reserve."

The Legislature may provide, by law, for the organization of independent companies, battalions, regiments, or brigade.

Company officers shall be elected by the

written ballots of the members of their respective companies.

All other officers shall be appointed by the Governor, by and with the advice and consent of the Senate.

Commanding officers of battalions, regiments, or brigades, shall select their respective staff officers.

No officer shall receive a commission until he shall have passed an examination before a Military Board, appointed by the Governor for that purpose, under such regulations as the Legislature may prescribe.

The Legislature shall provide, by law, for the discipline of the militia, and the payment of the same when called into actual service.

There shall be no exemptions except of United States mail carriers, and in cases of excessive physical disability.

There shall be no military grade higher than that of a Brigadier General; nor shall the number of Brigadier Generals exceed eight.

On motion of Mr. FOLMSBEE, leave of absence was granted the Sergeant-at-arms for four days.

Mr. ST. GEM asked leave of absence for himself for six days, which was granted.

Mr. PECK stated that his colleague, Mr. Sutton, was detained from his seat on account of sickness.

On motion of Mr. HOLLAND, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. MEYER reported that the Committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on

Executive Powers, but had come to no resolution thereon.

Mr. WILLIAMS asked leave of absence for his colleague, Mr. Barr, who was at home sick; leave was granted.

On motion of Mr. FOLMSBEE, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. HOLLAND, the Conven-

tion resolved itself into a Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. BUSH reported that the committee had, according to order, had under consideration the amendments to the Constitution, but had come to no resolution thereon.

On motion of Mr. WEATHERBY, the Convention adjourned until to-morrow morning at half-past 9 o'clock.

## TWENTY-SECOND DAY.

THURSDAY, FEBRUARY 2d, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. John McClean.

Mr. DRAKE presented a petition signed by ninety-four colored citizens of St. Louis, asking the Convention to extend to them the elective franchise, which was read for information, and, on motion of Mr. STRONG, referred to the Committee on the Elective Franchise.

Mr. MACK offered the following resolution, providing for the future amendment of the Constitution:

*Resolved*, That the General Assembly may, at any time, propose to the people such amendments to this Constitution as two-thirds of each house shall deem expedient; and such amendments shall be published in the newspapers of the State six months previous to the next general election. And at the next general election the qualified voters shall vote for or against such amendment or amendments; and if a majority of all the votes cast shall be in favor of such amendment or amendments, they shall be valid to all intents and purposes, as part of this Constitution.

On motion of Mr. MACK, the resolution was referred to the Committee on Amendments to the Constitution.

Mr. OWENS offered the following resolution, which, on motion of Mr. DRAKE, was referred to the Committee on Printing:

*Resolved*, That the Committee on Printing be, and they are hereby, instructed to advertise for and receive bids for the printing of

the proceedings of this Convention—five thousand copies of the same to be printed; the bids shall specify the price per thousand ems for composition, the price per ream for white paper, and the price per token of two hundred and forty impressions, octavo forms (eight pages), and the price per volume for binding in strong paper covers; and the same shall be let to the lowest bidder, the bidder giving bond in the sum of ten thousand dollars for the faithful performance of the work.

Mr. OWENS moved to postpone the special order of to-day, being the Bill of Rights, until Tuesday next; which motion was agreed to.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. BUNCE reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections, and Qualifications of Voters, Officers, and others, but had come to no resolution thereon.

On motion of Mr. D'OEENCH, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. BUSH, chairman of the Committee on

Banks, presented the following report, which was read, and two hundred copies ordered to be printed for the use of the Convention:

The Committee on Banks, to which was referred the eighth article of the Constitution, has had the same under consideration, and instructed me to report that, in the opinion of your committee, a change in regard to the creation and further continuance of banks in this State is demanded alike by the almost unanimous voice of its loyal citizens against those banks, and by the patriotic desire to support the nation and Government in the creation of a national system of banking. Upon examination of the subject of banks, as corporate bodies, your committee found that the provisions concerning other corporations are so indissolubly connected with it, that it felt authorized to report an article on banks and corporations; the more so as no committee on corporations has been appointed by this Convention, and as other State Constitutions, almost without exception, treat on the subject of both banks and corporations, in the article herewith proposed for your adoption, in lieu of the eighth article of the present Constitution:

#### ARTICLE —.

##### *Banks and Corporations.*

**SECTION 1.** No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation any notes, bills, or other paper, or the paper of any other bank to circulate as money, and the Legislature shall prohibit, by law, individuals or corporations from issuing bills, checks, tickets, promissory notes, or other paper, as money; but nothing herein contained shall be construed as preventing corporations or associations from forming for such purposes, under the acts of Congress, for a national system of banking.

**SEC. 2.** No bank of issue established under the laws of this State shall, after the adoption of this Constitution, issue bills or notes of any denomination, or pay out any of its notes for circulation; but they may receive and pay out the national currency. Any bank of issue violating this provision, shall forfeit its charter, and the Legislature shall, at its first session after the adoption of this Constitution, impose proper penalties upon persons or corporations engaged in the violation of the foregoing provision.

**SEC. 3.** It shall be the duty of the General Assembly, at its first session after this Constitution goes into effect, to enact laws, enabling any of the existing banks of issue to reorganize as national banks, under the act of Congress, and further to provide for the sale of the stock owned by the State of Missouri in the Bank of the State of Missouri, upon such terms and conditions as shall be by law established.

**SEC. 4.** The State shall not hereafter become a stockholder in any bank; nor shall

the credit of the State ever be given or loaned in aid of any person, association, or corporation, nor shall the State hereafter become a stockholder in any corporation or association.

**SEC. 5.** The General Assembly shall not authorize any county, city, or incorporated district, by virtue of a vote of its citizens, or otherwise, to become hereafter a stockholder in any company, association, or corporation, or to loan its credit to any corporation, association, institution, or party.

**SEC. 6.** Corporations may be formed under general laws, but shall not be created by special acts, except for municipal purposes. All general laws and special acts passed pursuant to this section, may be altered, amended, or repealed.

**SEC. 7.** No municipal corporation, except cities, shall be created by special act; and no city shall be incorporated with less than five thousand permanent inhabitants, nor unless the people thereof, by a direct vote upon the question, shall have decided in favor of such incorporation.

**SEC. 8.** Dues from private corporations shall be secured by such means as may be prescribed by law, and the stockholders of all corporations and joint stock companies shall be individually liable for the indebtedness of said corporations to the amount of their stock subscribed and unpaid, and no more.

**SEC. 9.** The property of all corporations for pecuniary profit shall be subject to taxation, the same as that of individuals.

On motion of Mr. HOLLAND, the Convention resolved itself into a Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. D'OENCH reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections, Qualifications of Voters, Officers and others, but had come to no resolution thereon.

Mr. WEATHERBY offered the following resolution, which was read for information, and, on motion of Mr. HOLCOMB, referred to the Committee on Finance:

*Resolved.* That the Constitutional Convention of the State of Missouri, reposing implicit confidence in the ability and integrity of the Governor and General Assembly thereof, do respectfully refer to them for adjustment all questions pertaining to the dispute between the State and the stockholders of the Weston and Atchison, and Atchison and St. Joseph Railroad companies, satisfied that justice to all parties will be done by them.

On motion of Mr. D'OENCH, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## TWENTY-THIRD DAY.

FRIDAY, FEBRUARY, 3d, 1865.

Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. FOLMSBEE, a call of the house was ordered, and the following members answered to their names:

Messrs. Bunce, Childress, Davis of Nodaway, Drake, Ellis, Esther, Evans, Folmsbee, Fulkerison, Gamble, Gilbert of Lawrence, Gilbert of Platte, Grammer, Henderson, Holdsworth, Holland, Hughes, Husmann, King, Leonard, McKernan, McPherson, Mack, Meyer, Morton, Nixdorf, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Williams of Caldwell, Williams of Scotland, and Mr. President—36.

**ABSENT**—Messrs. Adams, Barr, Bedford, Bonham, Budd, Bush, Clover, Cowden, Davis of New Madrid, Dodson, D’Oench, Filley, Fletcher, Foster, Gilstrap, Green, Harris, Holecomb, Hume, Linton, Martin, Mitchell, Newgent, Owens, Rogers, Rohrer, St. Gem, Switzler, Thilenius and Weatherby—30.

On motion of Mr. DRAKE, further proceedings under the call were suspended.

On motion of Mr. WILLIAMS of Caldwell, the report of the special committee, appointed to memorialize the President of the United States concerning the quota of Missouri under the draft, was taken up, being the special order for this morning.

Mr. GILBERT of Lawrence moved the indefinite postponement of the subject.

Upon which motion, Mr. GILSTRAP demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Fletcher, Gilbert of Lawrence, Grammer, Linton, Owens, Peck, Rohrer, and Sutton—8.

**NOES**—Messrs. Bedford, Budd, Bunee, Bush, Childress, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D’Oench, Drake, Ellis, Esther, Evans, Filley, Folmsbee, Fulkerison, Gamble, Gilbert of Platte, Gilstrap, Green, Harris, Henderson, Holcomb, Holdsworth, Holland, Hughes, Husmann, King, Leonard, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Morton, Nixdorf, Smith of Mercer, Smith of Worth, Strong, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—47.

Mr. St. Gem was excused from voting.

**ABSENT**—Messrs. Adams, Barr, Bonham, Clover, Foster, Hume, Newgent, Rankin, Rogers, and Switzler—10.

So the motion to indefinitely postpone was rejected.

Mr. WILLIAMS of Caldwell moved the adoption of the report.

Mr. HUSMANN offered as a substitute the following, which was accepted by Mr. Williams of Caldwell:

*Resolved*, That the report and memorial of the Committee be adopted and forwarded to Senators Henderson and Brown, at Washington, with the request to present it to the President, and send the letter to Colonel Alexander.

Upon motion, the resolution was adopted.

On motion of Mr. HARRIS, leave of absence was granted to Mr. Switzler for the remainder of the week.

On motion of Mr. HOLLAND, the Convention resolved itself into a Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. GREEN reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections and Qualifications of Voters, Officers and others, but had come to no resolution thereon.

On motion of Mr. DAVIS of Nodaway, the Convention adjourned until half-past 2 o’clock P. M.

### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. HOLDSWORTH requested leave of absence for three days, which was granted.

On motion of Mr. HOLLAND, the Convention resolved itself into a Committee of the Whole, to consider the amendments to the Constitution. After some time spent therein, the committee rose, and Mr. MCKERNAN reported that the committee had, according to order, had under consideration amendments to the Constitution, and especially the article on Elections and Qualifications of Voters, Officers and others, but had come to no resolution thereon.

On motion of Mr. GREEN, the Convention adjourned until half-past 9 o’clock to-morrow morning.

## TWENTY-FOURTH DAY.

SATURDAY, FEBRUARY 4th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. J. F. Gublemann.

Mr. BUDD, Chairman of the Committee on Finance, presented the following report of said committee, which was read for information, and, on motion of Mr. DRAKE, received, and five hundred copies of the report ordered to be printed in pamphlet form, and two hundred copies of accompanying bill in usual form:

The committee to whom was referred the present depressed condition of the finances of the State, with implied instructions to devise, if possible, ways and means to resuscitate her credit, and finally to liquidate the principal and interest of her indebtedness, beg leave to submit, for the consideration of the Convention, the following report:

Missouri was born into the sisterhood of States in the year 1821, and, in the judgment of your committee, she has been a sinful and sickly child since the day of her birth—forty-five years ago. *Sinful*, because she has held, by the will of the people, a portion of her children in bondage for a period of more than forty years, and valued their bodies, under the assessment law of the State, as so many sheep and oxen, for the purpose of imposing a tax (amounting, in 1860, to \$88,000) on their current value, to support, in part, the Government of the State; and *sickly*, as the institution of human slavery within her borders has operated to paralyze her industry, and, as a consequence, to prostrate her credit beyond (as some think) redemption.

Happily, on the 11th of January last, God, in His infinite mercy, put it into the hearts of the people—operating through their representatives on this floor—to blot out from the statute-book of the State all laws designed to hold human beings in bondage, and to declare Missouri, then and forever, a free commonwealth; and, having thus purged ourselves of the crime of slavery, may we not hope that the blessing of Him who holds in the hollow of his hand the destiny of states and nations will in the future rest on this people, in their efforts to inaugurate a system tending to advance the State in all her moral, political and pecuniary interests? The moral and political questions submitted to this body by the people we represent, of abolishing slavery and disfranchising rebels of their right of suffrage—hitherto exercised in attempts to throttle the life of the State and the Nation—having been passed on by the Convention, it now remains for your committee to endeavor to devise ways and means to pay the principal and interest on

the great public debt of the State; and, if this can be accomplished within a reasonable period, her patient creditors will doubtless award to the Convention as full a meed of praise as the people of the loyal free States have awarded to it, for enacting the great charter of freedom. In the performance of this duty, the enlightened spirit which decreed her the *role* of a free State will, in the judgment of your committee, induce her people to accept any practicable proposition looking to the recovery and preservation of her good name in the great marts of the world, where her principal indebtedness is held. Your committee are therefore agreed that the time has arrived for *action* on the subject of our suspended indebtedness; and, further, that it is especially appropriate that the Convention which has liberated the State from her greatest moral and social evil should take measures to secure for her the character of a trustworthy and honest commonwealth.

According to the eighth census report, Missouri contains upwards of 43,000,000 acres of land, of which 28,000,000 are capable of cultivation, and the major portion of the remainder is filled with inexhaustible supplies of coal, iron, lead, and other minerals. Of our arable land only 6,246,871 acres were under improvement in 1860, so that 21,000,000 and over are open to an agricultural population. In 1861, of the whole real property of the State, 16,707,313 97-100 acres were assessed, leaving more than 11,000,000 arable, and 15,000,000 otherwise, exempt from taxation. Of the land so exempt about 6,000,000 acres may be estimated as unassessed to the State by the United States; 1,223,308 are held by railroad corporations; 5,000,000 are supposed to be held by the State; 1,200,000 are school lands, leaving apart from public grounds say 10,000,000, arable or mineral, subject to become sources of revenue under a more thorough system of assessment. Not alone has the basis of assessment been erroneously curtailed, but the assessment itself is confessedly irregular and defective. It is safe to say that an improved system, recognizing the increased value of real estate, owing to emancipation, would enlarge the basis of taxation \$150,-000,000 more than it was in 1860 (\$335,-900,700), and without working injustice to the people of the State. Any scheme, looking to the payment of the State debt, may, therefore, legitimately contemplate:

*First*—An increase of revenue from — acres heretofore unassessed.

*Second*—An increase of revenue from the sale of lands by the United States, or by railroad corporations, and the appreciation of property, heretofore assessed, or unassessed, owing to inevitable growth, or the

stimulus of freedom, peace and immigration.

In the decade 1850 to 1860 the increased value of real estate in the State of Illinois was \$715,595,276, or nearly four hundred and fifty-eight per cent. If it be urged that Illinois possessed advantages in an established system of free labor, untrammeled by civil war and a border situation, it may be answered that her population, during a greater part of the time, was little over one half our present numbers, that her territory is 12,000 miles less than ours, and that Missouri, as a free State, is now assured, by a radical policy, against the invasions which her slave labor system invited and encouraged. Assuming, however, that our growth of values for purposes of taxation should be as low as three hundred per cent., against four hundred and fifty-eight per cent. of that of Illinois, our valuation in ten years will be, in round figures, as follows:

|           |                |
|-----------|----------------|
| 1866..... | \$ 480,000,000 |
| 1867..... | 576,000,000    |
| 1868..... | 672,000,000    |
| 1869..... | 768,000,000    |
| 1870..... | 864,000,000    |
| 1871..... | 960,000,000    |
| 1872..... | 1,056,000,000  |
| 1873..... | 1,152,000,000  |
| 1874..... | 1,248,000,000  |
| 1875..... | 1,344,000,000  |

The problem to be solved is — giving this basis of taxation — how shall the principal debt of the State for railroads (\$23,000,000) and \$5,000,000 past due interest, and interest thereon, together with \$4,000,000 military and floating debt, and interest thereon, be paid? Your committee are satisfied that no additional tax, higher than one-half of one per cent., can be levied and collected from the real and personal estate valuation for several years, without discouraging emigration and rendering the possession of property an almost unendurable burthen, even in view of an early peace and a rapid development of our agricultural interests. It is, therefore, considered impracticable to look for the payment of our railroad debt from this source. Such a tax, however, will, in the opinion of your committee, at present suffice to cancel the present military and floating debt of the State in eight years or less, if the stock in the State Bank (\$1,303,000) be disposed of, and a tax of one per cent. be levied upon the capital of all private corporations which shall hereafter ask [of the Legislature, for their own pecuniary gains] franchises, which the State should sell, and not, as heretofore, give away! Your committee would, therefore, recommend:

*First*—That from and after the 1st day of October, 1866, a tax of one-half of one per cent. on all the real and personal property of the State, in addition to all other taxes now levied by law, be annually assessed and collected in the same manner as other State revenue may be assessed and collected; the fund so created to be kept separate, and

annually, on the 1st day of March, appropriated and paid over *pro rata* upon all State indebtedness (other than railroad debt or interest), which may be presented for that purpose by the holders of the same, to be entered as credits, and to that intent, in extinguishment of the said indebtedness.

*Second*—That the State stocks in the Bank of the State of Missouri be disposed of, and the proceeds paid into the State treasury to the credit of the military fund, to be paid out as above.

*Third*—That a tax of one per cent., on not less than its par value, be assessed and collected on the authorized capital stock of all private corporations which shall hereafter obtain charter franchises from the State.

The first proposition is similar in most respects to the constitutional provision, article fifteen of the new constitution of Illinois, which enabled that noble State to relieve herself from nearly the whole burden of debt contracted prior to April 1st, 1848. The second is based on the conviction that the stock in the State Bank should be applied, at the earliest possible moment, to the payment of the military debt for which it is pledged, the new system of national banks rendering such investments anomalous and useless. The third is regarded as a legitimate means of securing some equivalent for the transfer of general franchises to particular citizens, it being understood that dividends are declared in successful corporations on the authorized as distinguished from the paid in stock.

If the better to secure full returns from this additional general tax of one-half of one per cent., the Legislature be prohibited from exempting from taxation any species of property except that of the State, counties, and municipalities, property in use for public schools and public cemeteries, your committee feel assured that the debt contracted for other than railroad purposes will be paid off in the time stated, and without detriment to the current necessities of the State.

The payment of the railroad debt must be secured, in the opinion of your committee, by the railroads themselves; theretore, your committee propose to require the Iron Mountain, Pacific, North Missouri, and Hannibal and St. Jo. railroads to pay sixteen and two-thirds of their gross earnings (except on government freight) into the hands of a commissioner appointed by the State, and to allow them to charge twenty per cent. additional to their present rates on freight and passengers.

Assuming the gross earnings of the four roads to be \$3,000,000, to March 1st, 1866—an estimate in which several of the most astute railroad directors agree—and to increase thereafter in the rates claimed by their respective companies, such an assessment will pay two per cent. on the railroad debt in the first year, three and a half in the second year, and, in the opinion of your committee, the fourth year (1870) six per cent.

Whenever it shall have reached this rate,

and the principal debt shall have been reduced to fifteen millions of dollars, let it be enjoined that the railroads shall resume the payment of interest directly, the past due interest, and a portion of the principal having been meantime paid *pro rata* from the collections of the present railroad tax. Then let the railroad tax be abrogated, if it is deemed expedient in the wisdom of the General Assembly.

The propriety and efficacy of this scheme is sustained by the following considerations:

*First*—The real and personal property of the State is relieved from any *additional* tax on railroad account.

*Second*—The authorized advance in charges for freight and passengers will largely fall on *non-residents*, and on freight merely *in transitu*.

*Third*—Freight and trade can not be materially diverted, for only such comes as can find no other channel than one of the four roads for which the debt was contracted.

*Fourth*—The roads are not embarrassed by the impost (sixteen and two-third per cent.), for the increased rates allowed (twenty per cent.) bear an exact proportion to it.

*Fifth*—The claims of the stockholders, public and private, without being imperiled more than now, are properly subordinated to those of the creditors, to whom the faith of the State has been pledged.

Influenced by these reasons, and finding no other means so likely to retrieve the credit of the State—indeed, your committee believe, on the most mature consideration, that there is *no other way* of liquidating the present debt, except by levying a tax of at least *three* per cent. on the people of the State, and this, in the judgment of your committee, would be wholly inoperative—your committee would recommend:

*First*—That, on the 1st day of March, 1866, and every year thereafter, until the railroads shall resume payment of interest in full, and principal at maturity, the Iron Mountain, Pacific, North Missouri, and Hannibal and St. Joseph railroads shall pay into the hands of the commissioner appointed by the State, sixteen and two-thirds per cent. of their gross earnings (except as aforesaid on government freight) for the preceding year, to be paid out, *pro rata*, in extinguishment of the debt and interest contracted for railroad purposes.

*Second*—That the better to enable them to fulfill this obligation, from and after the 1st day of March next, they be allowed to increase their rates of freights and passengers twenty per cent., until such time as, besides having paid all current and past due principal, the debt shall be reduced to fifteen millions of dollars.

*Third*—That all tax collected on railroad account hereafter for the extinguishment of interest and principal of State bonds issued to the railroads shall be used *pro rata*.

Your committee are conscious of the difficulties presented in the advocacy of any attempt to resume payment of our suspended

liabilities, and to continue meeting, at maturity, our prospective bond and interest indebtedness. The question of war or peace—of social order or embittering and wasting class and land controversies, arising out of the rebellion, enter so much into such calculations, and are so apt to be colored by our wishes and prepossessions, that the feasibility of any scheme is liable to suspicion, and open, apparently, to strong objections. The one proposed, however, is, in the judgment of the undersigned, the more to be favored, because its success depends less upon a sanguine view of affairs than any other which your committee could have devised.

*First*—It is predicated on an increased valuation of real and personal property, in the coming ten years, of one hundred and fifty-eight per cent. less than that of Illinois in the ten years from 1850 to 1860—superficies and population being, relatively, largely in the favor of our State.

*Second*—It requires the real estate interest of the State, now needing so much encouragement, to assume the payment of less than one-fifth of the accumulated debt, and for this purpose taxes it one-half of one per cent., an addition relatively small when we consider the object to be obtained.

*Third*—It places the burthen of debt where it belongs, on the railroads, and enables them to pay it, by advancing their fares and freightage, so that, when so advanced, these will still be less than the prevailing rates of increase in other branches of business.

*Fourth*—It affords the only guarantee for an early resumption of payments, without shifting the security of the stockholders and creditors, or lessening the ability of the roads to develop their facilities in proportion to their incomes.

Your committee will be pardoned for alluding to the specific legislation which is *essential to the successful operation of this scheme*.

*First*—An act to prevent omissions and inaccuracies of assessment, so that *all* the land in the State not held by the general government, by the State, by counties, municipal bodies, or in use for public schools and public cemeteries, shall contribute to the revenue, and be assessed at *its full value*. The fact that millions of acres have not been assessed, and other millions assessed at merely nominal instead of market rates, indicates the want of a more stringent law in this relation.

*Second*—A constitutional enactment, prohibiting the Legislature from exempting any property from tax other than State, county, and municipal, or property in use for free schools and public cemeteries. There is no valid reason, in the judgment of the committee, why churches, parsonages, private cemeteries, private hospitals, private academies, etc., or property not in use for public free schools, should not contribute to the payment of our State debt and expenses. Religious and charitable endowments of this sort are properly the result of

voluntary contributions. Their exemption from tax is, in effect, their *endowment by the State to the amount of the tax*, and, in so far as the general community is concerned, is necessarily an involuntary one. The tax of a distant community should not be dependent upon, nor enlarged by, the exemption of the religious establishments and charities of another community. The custody of the criminal, the care of the destitute, the rudimentary free education of the young, are matters of common concern; but the founding of a church by a particular congregation, the erection of a private institution of benevolence, or the opening of a cemetery by private enterprise, should be at the expense of the parties contemplating them, and *not* of the State treasury. Besides, religion and philanthropy will really suffer nothing by a withdrawal of the customary immunity from taxation. The promises of future reward are proportioned to the sacrifices made in deserving it. Nor is it to be supposed that the hopes inspired by faith, or the consolation conferred by sympathy for suffering, will become the less dear by being taxed. Let it be understood that the support of the Government (the first duty the citizen owes to the State) is to be drawn from all property not in use under its direction for general objects, and private charity will accommodate itself to circumstances, just as it has succeeded in bearing the growing strain upon its largess, owing to the cost of living and the scarcity of labor. It is also due to the credit of religion, and the success of the charitable institutions already in existence, that religious and benevolent bodies which cannot afford to pay State tax, *when the State is almost overwhelmingly in debt*, should regulate their enterprises by their assured means. Undertakings likely to be thwarted or imperiled by a system of taxation under which the community lives and thrives, had better be deferred until they can surmount even greater obstacles.

In conclusion, your committee have an abiding conviction that if the *essential* features of the plan now recommended be adopted by the Convention, and made part of the *organic law of the State*, it will do—

*First—Justice* to suffering but patient creditors, many of whom have purchased the State bonds at nearly their par value, and which, with accumulated unpaid interest, are worth *on their face* \$1.25, but are now daily sold for sixty-five cents on the dollar! thus inspiring these creditors with the hope (and that hope predicated on a sound basis) that ere long their securities will be at par.

*Second*—It will avoid the necessity of a forced sale of the roads by the State, which, should it take place, would inevitably work a loss to the commonwealth of *many millions of dollars*.

*of dollars.*  
Third—It will enable the roads rightfully to absolve themselves in a period of twenty-five years—which is but a *day* in the life of a State—from the pressing burden of a debt of twenty-eight millions of dollars, and that,

too, without working injury to themselves or to the people of the State.

*Fourth.*—It will, in a few years, make the credit of Missouri stand side by side with the credit of her sister State of Illinois, whose bonds, in 1847, sold at thirty-two cents on the dollar, but which are now sought for at par and a premium, the effect of a tax provision inserted in her organic law.

*Fifth, and lastly*—It will enable a father—an original subscriber—now holding almost worthless stock in at least three of these roads, to transmit the same as a legacy to his children, who, in after years, will, in the judgment of your committee, be in the receipt of six per cent. dividends from the same. We append (paper A) a detailed account of State indebtedness due and not due, for the information of the Convention.

Your committee having explained the result of their deliberations, see, they think, in the plan proposed, a *certain* means of relieving the State from debt, and report, for the action of the Convention, the following articles to be embodied in the Constitution of the State. Respectfully submitted,

GEO. K. BUDD, *Chairman.*

(*Paper A.*)

OF THE SIX

| (Actual.)   |              |
|---|--------------|
| Bonds issued for State purposes.....  | \$ 602,000   |
| State bonds issued to railroads<br>(including guarantee bonds).....           | 23,701,000   |
| Revenue bonds, issued in 1861,<br>(9 per cent.) now due.....                  | 431,000      |
| Interest due on bonds issued to<br>railroads (Jan. 1st, 1865).....            | 5,008,240    |
| Money borrowed by Gov. Gamble<br>to purchase arms.....                        | 150,000      |
| Amount of defense warrants out-<br>standing Dec. 1st, 1864.....               | 244,000      |
| Amount of Union military bonds<br>outstanding Dec. 1st, 1864.....             | 1,771,030    |
| Amount due militia for active ser-<br>vice, <i>estimated</i> by Gov. Hall.... | 1,000,000    |
|   | \$32,507,549 |

CJR

\*Issue to Hannibal &  
St. Joseph R. R...\$3,000,000

Paid on bond issued  
for State purposes. 200,000— 3,200,000

Total, with the above deduction  
to Hannibal & St. Jo. P. P. \$29,707.549

Of the above there is now due by the State  
on her own account:  
Balance of bonds due issued for

|  |         |
|--|---------|
| Balance of bonds due issued for<br>State purposes..... | 402,000 |
| Revenue bonds issued in 1861.....                      | 431,000 |
| <i>May be added to the sum above.</i>                  | 150,000 |

|                               |           |
|-------------------------------|-----------|
| Money borrowed by Gov. Gamble | 150,000   |
| Defense warrants .....        | 244,279   |
| Union military bonds.....     | 1,771,030 |

Due militia for active service (estimated)..... 1,000,000  
 Total, exclusive of interest \$ 3,998,309

\* NOTE.—The credit of \$3,000,000 to the Hannibal and St. Joe Railroad is a nominal credit, as the road has punctually paid the interest on the same, but the State's liability is yet \$3,000,000.

## ARTICLE I.

*Railroad Indebtedness.*

*First*—The Pacific Railroad Company, and Southwest Branch, the North Missouri Railroad Company, the St. Louis and Iron Mountain Railroad Company, and the Hannibal and St. Joseph Railroad Company, are hereby required to pay an annual tax of sixteen and two-thirds per cent. on all their gross receipts for freight and passengers, except on transportation for the government of the United States, and may deduct out of the same the United States tax, and this tax shall begin on the 1st day of March, 1865, and be paid quarterly.

*Second*—The tax of sixteen and two-thirds per cent., to be paid by the Pacific Railroad Company, and Southwest Branch thereof, shall be paid into the hands of a commissioner, to be appointed by the Governor, who shall hold his office for four years from the date of his appointment, and until his successor is duly appointed and qualified, and his salary shall be \$4,000 per annum, payable, *pro rata*, by the railroads, in proportion to their present State indebtedness, and the said commissioner shall enter into approved bonds to the State, for the faithful performance of his duties, in the sum of \$100,000, and the said tax of sixteen and two-thirds per cent., when so paid to the said commissioner, shall be invested by him in buying up the State bonds or guarantee bonds, issued to the Pacific Railroad Company, with coupons attached, or to paying off the over due interest on the said bonds, the longest due, and all payable the same year, and such payments shall be continued until all coupons or bonds (except as hereinafter stipulated, 7th section) over due, are paid. The bonds and coupons thus canceled shall, by the commissioner, be delivered to the Auditor of the State, who shall give his receipt for the same, and it shall be his duty to credit the Pacific Railroad Company with the amount so canceled. When the tax of sixteen and two-thirds per cent. shall be paid into the hands of the commissioner, he shall issue to the railroad company, paying the tax, duplicate receipts, and the railroad company paying the same shall file one receipt with the Auditor, who shall charge the commissioner with the amount, and when the commissioner shall surrender to the Auditor the bonds or coupons, he shall receive credit for the same on the books of the Auditor.

*Third*—The tax of sixteen and two-thirds per cent., to be paid by the North Missouri Railroad Company, shall be paid to the commissioner aforesaid in the manner prescribed for the payment to the Pacific Railroad Company, and shall be by him invested in like manner as prescribed to the Pacific Railroad Company, to wit: to buying up the State bonds and paying off the coupons issued to the North Missouri Railroad Company, and the commissioner and Auditor shall give receipts and credits to the North Missouri

Railroad Company in the manner hereinbefore prescribed to the said Pacific Railroad Company.

*Fourth*—The tax of sixteen and two-thirds per cent., to be paid by the St. Louis and Iron Mountain Railroad Company, shall be paid to the commissioner aforesaid in the manner prescribed to the Pacific Railroad Company, and shall be by him invested in like manner as prescribed to the Pacific Railroad Company, in buying up the State bonds and coupons issued to the St. Louis and Iron Mountain Railroad Company, and the commissioner and Auditor shall give receipts and credits to the St. Louis and Iron Mountain Railroad Company, as hereinbefore prescribed to the said Pacific Railroad Company.

*Fifth*—The Hannibal and St. Joseph Railroad Company shall pay to the said commissioner the tax of sixteen and two-thirds per cent., as required in section first, and the money paid in on account of said tax shall be by him invested in purchasing the bonds of the State issued to the Hannibal and St. Joseph Railroad Company, and the interest on said bonds shall be paid by said company as it becomes due, and the forfeiture of their charter, to which the Hannibal and St. Joseph Railroad Company is liable for having failed to pay the amount stipulated by law into the sinking fund of the State, is hereby waived, so long as the said company shall pay the said annual tax of sixteen and two-thirds per cent. and the interest on the bonds, until all State bonds issued to said company shall be canceled.

*Sixth*—The railroad companies hereinbefore named are hereby authorized to collect twenty per cent. more for freight and passengers than their ordinary rates, to reimburse themselves for the tax hereinbefore imposed on their gross receipts.

*Seventh*—As soon as the State indebtedness, present and contingent, for bonds issued to the railroads aforesaid, shall be reduced to the sum of fifteen millions of dollars, the tax of sixteen and two-thirds per cent. hereinbefore imposed shall cease, provided it shall be deemed expedient by the General Assembly, and the privilege given to the roads of collecting twenty per cent. from freight and passengers in addition to their ordinary charges shall also cease, and the different railroad companies shall simply be held liable to pay both principal and interest of the bonds granted to them by the State, or guaranteed by the State, as it shall mature.

*Eighth*—It shall be lawful for the four railroads named in the first section to exchange their own bonds for the first mortgage bonds of the State, or the first mortgage bonds of the Southwest Branch, guaranteed by the State, with coupons attached; each road, however, only for such bonds as were issued for same, and such bonds issued by any of the four roads, shall, upon the return to the Auditor of the State of the State bonds, or bonds guaranteed by the State, participate, *pro rata*, in the security the State now holds

on the roads, but no sale of any of the four roads named in section first, under the mortgage to the State, shall take place before the year 1875, provided they comply with the injunction hereinbefore imposed on them to pay annually the tax of sixteen and two-third per cent., nor shall the exchange of bonds, as provided for in this section, be compulsory on the roads.

*Ninth*—The office of road commissioner shall be abolished when the railroad indebtedness shall be reduced to fifteen millions of dollars.

#### *Bank Stock Owned by the State.*

The commissioner to be appointed under section second of article on Railroad Indebtedness, is hereby authorized, with the concurrence of the Governor, whenever in his judgment it shall be deemed expedient, to sell the stock of the Bank of the State of Missouri, owned by the State, and deposit the proceeds in the treasury of the State, to be used in liquidating the military bonded indebtedness of the State, and for no other purpose whatever.

#### ARTICLE II.

##### *Taxes.*

*First*—In addition to the taxes already levied by law, there shall be levied and collected, in October, in the year 1866, and yearly thereafter, until it shall cease as provided in section second, a tax of one-half of one per centum per annum, on all property, real and personal, in the State (except property belonging to the United States or this State), property belonging to any municipal corporation in this State, or property belonging to any county, or property belonging to the Board of President and Directors of —— St. Louis Public Schools, provided all property belonging to said Board of Public Schools, which shall be leased for a period of over five years, shall be liable to tax as other property. Public cemeteries shall be exempt from taxation, and all personal property owned by the Pacific Railroad Company, the North Missouri Railroad Company, the St. Louis and Iron Mountain Railroad Company, and the Hannibal and St. Joseph Railroad Company, shall be exempt from taxation—provided said companies comply with section first of Railroad Indebtedness—until the liabilities of these several corporations to the State shall be reduced to fifteen millions of dollars, and no longer.

*Second*—The taxes to be paid of one-half of one per cent., provided for in the first section, shall be paid only in the national currency of the United States, or in the currency issued by any bank authorized by act of Congress, denominated “National Banks;” or in the bonds of the State, other than bonds issued to the several railroads; in defense warrants, or in military bonds, or in any other authorized bonded indebtedness of the State. And when the indebtedness of the State—whether it be in bonds proper, military bonds,

defense warrants, or floating indebtedness—shall be paid off, then this tax of one-half of one per cent. shall cease; and should the Government of the United States pay off or assume the payment of the military debt of the State, then the tax shall be reduced from one-half of one per cent. to one-tenth of one per cent.

*Third*—There shall be levied and collected annually, commencing in October, eighteen hundred and sixty-six, and be continued until the indebtedness of the State, present and contingent, shall be reduced to five millions of dollars, a tax of five per cent. on the gross cash premiums of all fire and marine mutual insurance companies, chartered by this State, having no authorized corporate capital stock; and affidavits shall be filed, by the presidents of such companies, with the collectors of the several counties where such insurance companies shall be located, setting forth the amount of premiums received by such insurance companies within the year.

*Fourth*—There shall be levied and collected annually, commencing in October, eighteen hundred and sixty-six, and be continued until the indebtedness of the State, present and contingent, shall be reduced to five millions of dollars, from all life insurance companies, whether chartered by this State, or by other States (when such foreign insurance companies shall have agencies in this State), a tax of five per cent. on the gross premiums realized during the year, whether the premiums shall be paid in money, or contingent notes given for such premiums or parts of premiums; and affidavits shall be filed, by the presidents of such companies, or the agents of such companies, with the collectors of the several counties where such insurance companies, or the agents of such companies, shall be located, setting forth the amount of premiums received by such life insurance companies, or their agents, within the year.

*Fifth*—Personal property in this State, other than that specified in section fourth, owned by non-residents of this State, shall not be liable to taxation.

##### *Legislative Prohibitions.*

*First*—The General Assembly shall have no power to increase the present bonded indebtedness of the State, until the said bonded indebtedness shall be reduced to the sum of five millions of dollars; *Provided*, The General Assembly shall have power, at any time, to borrow money to suppress insurrection, repel invasion, or to defend the State, in time of civil or foreign war, and may also borrow to meet casual deficiencies in her revenue, limited, however, to one hundred thousand dollars; or to build a State capital, in case of removal of the State capital from its present location; but such borrowing, for said latter purpose, shall not exceed five hundred thousand dollars, and no money shall be borrowed as aforesaid without the

General Assembly shall first levy, by law, an annual tax, sufficient to pay such increase of indebtedness in ten years from the date of the State's liability.

*Second*—The General Assembly shall have no power to diminish the per centum tax, as at present authorized by law, until the bonds and warrants issued for military purposes, and the present floating debt of the State, shall be paid.

*Third*—The General Assembly shall have no power to grant acts of incorporation to individuals, for banks or other moneyed institutions, or for insurance companies, or for any business purposes, when such acts shall provide for capital stock, without enjoining on such corporators the payment of a tax of one per cent. per annum during the continuance of the charter on the capital stock named in the grant, and this tax shall be levied and collected in the county in which the corporation is located: *Provided*, when railroads are incorporated, the tax of one per cent. per annum shall be paid into the county treasury of St. Louis.

*Fourth*—The General Assembly shall have no power to exempt from taxation any property, real or personal, until the present debt of the State shall be reduced to five millions of dollars.

#### *Legislature.*

It shall be the duty of the General Assembly, at its first session after the adoption of this Constitution, to enact a law dividing the State into nine districts, each comprising from twelve to thirteen contiguous counties; and also providing for the appointment of nine commissioners, who shall hold their office for six years, whose duty it shall be to classify the lands of the State and equalize the value of the same for taxation.

#### *Assessors.*

Assessors shall value all real and personal property at what it will bring, in their judgment, if sold at public auction for cash.

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*To His Excellency the President of the United States, and the Honorable the Senate and House of Representatives of the United States, in Congress assembled:*

The Convention of this State respectfully memorialize you to grant to the State the

means to pay her military debt; and base their application on the following facts:

That the whole of said debt has been incurred by the State in support of the General Government and the cause of the Union, and, without which expenditure on the part of the State the Government of the United States would have had to maintain a force, at greater expense, to protect the Union people of the State; that, in their efforts to remain in the Union and to perpetuate our Government, our people have had to bear great losses and burdens, with little ability to bear up under them; that our State has, for the last four years, been devastated by war, preventing the raising of crops or doing anything to enable them to pay taxes; that, in their effort to remain in the Union, this State has emancipated her people hitherto held in bondage, and, as a consequence, curtailed a portion of the labor of the State, and that this labor it will take time to replace; that, in consideration of our condition and the justice of the claim, we earnestly appeal to the Government to grant, without delay, the legislation necessary to enable us to discharge this debt in full.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. OWENS reported that the committee had, according to order, had under consideration amendments to the Constitution, and especially the article on Elections, and Qualifications of Voters, Officers, and others, but had come to no resolution thereon.

The President caused to be read a series of resolutions adopted by a meeting of citizens of Missouri, held at Washington City, January 30, 1865, complimenting the Convention on the passage of the Emancipation Ordinance; which were, on motion of Mr. DRAKE, laid on the table.

On motion of Mr. DRAKE, the Convention adjourned until Monday morning next, at half-past 9 o'clock.

## TWENTY-FIFTH DAY.

MONDAY, FEBRUARY 6th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Dr. Cox.

Mr. GAMBLE asked leave of absence for his colleague, Mr. Martin, which was granted.

Mr. HOLLAND stated that his colleague, Mr. Foster, was sick, and unable to attend the Convention.

On motion of Mr. HARRIS, the use of this hall was tendered to Professor Kerr, Superintendent of the Deaf and Dumb Asylum at Fulton, Mo., and he was requested to give an exhibition with his pupils here this evening at half-past 7 o'clock.

On motion of Mr. HOLLAND, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. GILBERT of Platte reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections, and Qualifications of Voters, Officers and others, but had come to no resolution thereon.

On motion of Mr. OWENS, the Convention adjourned until half-past 2 o'clock P. M.

### — AFTERNOON SESSION.

The Convention met pursuant to adjournment, the President in the chair.

Mr. LEONARD, Chairman of the Committee on Boundaries, presented the following

report, which was read for information, and, on motion of Mr. FOLMSBEE, received and laid upon the table:

The Committee on Boundaries, to which was referred the first article of the Constitution, have the honor to report that, inasmuch as the boundaries of the State can not be affected by the act of the Convention, depending, as they do, upon the acts of Congress and the decision of the Supreme Court of the United States, and in order to avoid the difficulties which the slightest error in the definition of the same might occasion, it is, in the opinion of your committee, expedient that the example of the majority of the States be followed, and the article on boundaries be omitted in the new Constitution.

R. LEONARD, *Chairman.*

Mr. OWENS introduced a communication from M. Munson to the Governor of this State, in relation to the prohibition of lotteries, which was read for information, and referred to the Committee on Legislative Department.

On motion of Mr. HOLLAND, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. WILLIAMS of Scotland reported that the Committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections and Qualifications of Voters, Officers, and others, but had come to no resolution thereon.

On motion of Mr. MITCHELL, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## TWENTY-SIXTH DAY.

TUESDAY, FEBRUARY 7th, 1865.

The Convention met pursuant to adjournment, the President in the chair.

**Prayer by Rev. Dr. Armstrong.**

On motion of Mr. FOLMSBEE, the special order of the day, being the Declaration of Rights, was postponed, and the Convention proceeded to the consideration of the article on the Militia.

Mr. GILSTRAP offered the following amendment thereto:

Amend section one, first line, by inserting after the word "all," the word "able-bodied."

On which, Mr. DODSON demanded the ayes and noes; which being taken, the amendment was adopted, by the following vote:

**AYES**—Messrs. Bedford, Bush, Childress, Cowden, Davis of New Madrid, Dodson, Drake, Ellis, Esther, Folmsbee, Gamble, Gilbert of Platte, Gilstrap, Grammer Green, Harris, Holecomb, Hughes, Hume, King, Linton, Mack, Morton, Nixdorf, Rankin, Smith of Mercer, Strong, Sutton, and Williams of Caldwell—29.

**NOES**—Messrs. Bonham, Budd, Bunce, Davis of Nodaway, D'Oench, Evans, Filley, Fulkerson, Gilbert of Lawrence, Henderson, Holland, Husmann, Leonard, McPherson, Meyer, Mitchell, Newgent, Owens, Peck, Rohrer, Swearingen, Thilenius, Weatherby, Williams of Scotland, and Mr. President—25.

**Absent**—Messrs. Adams, Barr, Clover, Fletcher, Foster, Holdsworth, McKernan, Martin, St. Gem, Smith of Worth, and Switzler—11.

On motion of Mr. KREKEL, the article on Militia was referred to the Committee on Revision, for correction and printing.

Mr. HUSMANN offered the following resolution, which was unanimously adopted:

*Resolved*, That this Convention hails with joy the passage of the Constitutional Amendment by the Congress of the United States, which shall, if ratified by the action of the States, as we hope and trust it will, prohibit slavery forever in this country, and make it free in fact.

On motion of Mr. WILLIAMS of Caldwell, a copy of this resolution was directed to be

forwarded to the President of the United States, and also to the Governors of each of the States.

Mr. OWENS moved to postpone the special order of the day—being the article on Declaration of Rights—until next Saturday at 10 o'clock A. M., which was agreed to.

On motion of Mr. HOLLAND, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. FILLEY reported that the committee had, according to order, had under consideration the amendments to the Constitution, and particularly the article on Elections and Qualifications of Voters, Officers and others, but had come to no resolution thereon.

Mr. DRAKE, Chairman of the Committee on Revision, reported back the article on Militia, as corrected; which report was accepted, and on motion, the article was ordered to be printed.

On motion, the Convention adjourned until half-past 2 o'clock P. M.

### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. HOLLAND, the Convention resolved itself into a Committee of the Whole, to resume the consideration of the amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. STRONG reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections and Qualifications of Voters, Officers and others, but had come to no resolution thereon.

On motion of Mr. PECK, the Convention adjourned until half-past 9 o'clock to-morrow morning.

# TWENTY-SEVENTH DAY.

WEDNESDAY, FEBRUARY 8th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. McCook.

Mr. GREEN asked leave of absence for Mr. Gilstrap till Saturday next, which was granted.

On motion of Mr. WILLIAMS of Caldwell, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. DAVIS of Nodaway reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections and Qualifications of Voters, Officers and others, but had come to no resolution thereon.

On motion, the Convention proceeded to the consideration of the article on Militia.

Mr. EVANS offered the following substitute for the first section:

The militia of this State shall be composed of all male inhabitants of the State of Missouri, who are citizens of the United States, or who have declared their intention of becoming citizens of the United States, between the ages of eighteen and forty-five years, except such as are, or who may hereafter be, exempt by the laws of the United States, or of this State.

Mr. WILLIAMS of Caldwell offered the following amendment to the substitute:

Amend by inserting the word "white" before the word "male."

On motion, the amendment of Mr. Williams was rejected.

Mr. OWENS offered the following amendment to the substitute:

Amend by striking out the words "of the United States or," in the last line.

Which was adopted.

Mr. GREEN offered the following amendment to the substitute, which was accepted by Mr. Evans:

Amend by striking out "the laws of this State," and substituting the word "law."

Mr. SWITZLER offered the following amendment to the substitute, upon which he demanded the ayes and noes:

Add at the end of the section as follows: "*Provided*, That all white males who by the Constitution or laws of this State are disfranchised, are exempt from military duty."

The vote being taken, stood as follows:

**AYES**—Messrs. Gilbert of Platte, Harris, Morton, and Switzler—4.

**NOES**—Messrs. Bunce, Bush, Childress, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Esther, Filley, Fletcher, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Grammer, Green, Henderson, Holcomb, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, Smith of Mercer, Strong, Sutton, Swearingen, Thilenius, Weatherby, and Williams of Caldwell—46.

**ABSENT**—Messrs. Adams, Barr, Bedford, Bonham, Budd, Clover, Davis of New Madrid, Evans, Foster, Gilstrap, Holdsworth, St. Gem, Smith of Worth, Williams of Scotland, and Mr. President—15.

So the amendment was rejected.

On motion, the substitute, as amended, was rejected.

Mr. HARRIS offered the following amendment:

Add to section first, "except those who are in the service of the United States, or who have furnished a substitute."

Mr. BUSI offered as a substitute for this amendment the following:

Strike out the words "able-bodied," and add to the end, "except only such persons as may be exempt by law."

On motion, the substitute was rejected.

On motion, the amendment offered by Mr. HARRIS was rejected.

Mr. GREEN offered the following amendment, which was adopted:

Amend by adding to section one the words, "except as may be provided by law."

Mr. HOLCOMB moved that section second be stricken from the bill.

On which motion, Mr. MEYER demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bunce, Bush, Cowden, Davis of Nodaway, Dodson, Drake, Esther, Fulkerson, Gilbert of Lawrence, Green, Henderson, Holcomb, Holland, Hume, King, Linton, Mack, Morton, Nixdorf, Owens, Peck, Rankin, and Weatherby—23.

**NOES**—Messrs. Budd, Davis of New Ma-

drid, D'Oench, Ellis, Filley, Fletcher, Folmsbee, Gamble, Gilbert of Platte, Grammer, Harris, Hughes, Husmann, Leonard, McKernan, McPherson, Martin, Meyer, Mitchell, Newgent, Smith of Mercer, Strong, Sutton, Swearingen, and Thilenius—25.

**ABSENT**—Messrs. Adams, Barr, Bedford, Bonham, Childress, Clover, Evans, Foster, Gilstrap, Holdsworth, Rohrer, St. Gem, Smith of Worth, Switzler, Williams of Caldwell, Williams of Scotland, and Mr. President—17.

So the motion to strike out the second section was rejected.

Mr. THILENIUS offered the following substitute for section second:

The militia shall be divided into two classes. The first class shall be styled "The National Guards," and shall consist of all unmarried persons, subject to military duty, between the ages of eighteen and twenty-five years, and all unmarried persons, subject to such duty, between the ages of eighteen and forty-five years; the second class shall be styled "The Reserves," and shall consist of all married persons, subject to such duty, between the ages of twenty-five and forty-five years.

Which substitute was, on motion, rejected.

Mr. HUSMANN offered the following amendment, which was adopted:

Amend section second by striking out the word "twenty-three" wherever it occurs, and insert in lieu thereof the word "twenty-five."

MR. MACK offered the following amendment:

Amend section fourth, first line, by striking out the word "company," and insert in place thereof the word "all;" and in second line of section four, strike out, after the word "respective," the word "companies," and insert in place thereof the word "commands."

Pending which, on motion of Mr. FOLMSBEE, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. HOLLAND demanded the ayes and noes on the amendment offered by Mr. Mack, and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Childress, Cowden, Davis of New Madrid, Esther, Folmsbee, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Grammer, Harris, Henderson, Holland, Hume, Mack, Mitchell, and Morton—17.

**NOES**—Messrs. Budd, Bush, Davis of Nodaway, Dodson, Drake, Ellis, Filley, Fletcher, Gamble, Green, Holcomb, Hughes, Husmann, King, Leonard, Linton, McKernan, McPherson, Martin, Meyer, Newgent, Nixdorf, Owens, Peck, Sutton, Swearingen, Switzler, Thilenius, Weatherby, and Williams of Caldwell—30.

**ABSENT**—Messrs. Adams, Barr, Bonham, Bunce, Clover, D'Oench, Evans, Foster, Gilstrap, Holdsworth, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Williams of Scotland, and Mr. President—18.

Mr. OWENS offered the following amendment, upon which he demanded the ayes and noes:

Strike out in fourth section the words "company officers shall be elected by ballot by the members of their respective companies," in first and second lines, and insert the word "commissioned" before the word "officers" in second line.

The vote being taken, stood as follows:

**AYES**—Messrs. Fletcher, Green, Holcomb, Leonard, and Owens—5.

**NOES**—Messrs. Bedford, Bonham, Budd, Bunce, Bush, Childress, Davis of Nodaway, Dodson, Drake, Ellis, Esther, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Grammer, Harris, Henderson, Holland, Hughes, Hume, Husmann, King, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Morton, Newgent, Nixdorf, Peck, Rankin, Rohrer, Smith of Mercer, Swearingen, Thilenius, Weatherby, and Williams of Caldwell—43.

**ABSENT**—Messrs. Adams, Barr, Clover, Cowden, Davis of New Madrid, D'Oench, Evans, Foster, Gilstrap, Holdsworth, St. Gem, Smith of Worth, Strong, Sutton, Switzler, Williams of Scotland, and Mr. President—17.

So the amendment was not adopted.

Mr. WEATHERBY offered the following amendment, which was rejected:

Insert after the word "Governor," in line third, "on recommendation of the line officers."

Mr. HOLLAND offered the following amendment:

Amend section four by striking out after the word "companies," in second line, all down to the word "commanding," in third line, and insert in lieu thereof, "field officers by the company officers of their command, and brigadier generals by the field officers of their respective military districts."

Mr. HOLLAND demanded the ayes and noes on his amendment, which being taken, the vote stood as follows:

**AYES**—Messrs. Bedford, Bush, Childress, Cowden, Dodson, Esther, Folmsbee, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Grammer, Harris, Henderson, Holland, Hughes, Hume, Mack, Mitchell, Morton, Smith of Mercer, and Swearingen—21.

**NOES**—Messrs. Bonham, Budd, Bunce, Davis of Nodaway, Drake, Ellis, Fletcher, Gamble, Green, Holcomb, Husmann, King, Leonard, McKernan, McPherson, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, Thilenius, Weatherby, and Williams of Caldwell—24.

**ABSENT**—Messrs. Adams, Barr, Clover, Davis of New Madrid, D’Oench, Evans, Filley, Foster, Gilstrap, Holdsworth, Linton, Martin, Meyer, St. Gem, Smith of Worth, Strong, Sutton, Switzler, Williams of Scotland, and Mr. President—20.

So the amendment was rejected.

Mr. RANKIN offered the following as a substitute for section four:

Officers of the militia shall be elected, or appointed and commissioned, in such a manner as may be approved by law. Commanding officers of battalions, regiments, or brigades, shall select their own respective staff officers.

Which was, on motion, rejected.

The question being on the passage of the fourth section, Mr. MACK demanded the ayes and noes, which being taken, the vote stood as follows:

**AYES**—Messrs. Bonham, Bunce, Bush, Cowden, Davis of Nodaway, Drake, Ellis, Filley, Fletcher, Gamble, Green, Henderson, Holcomb, Husmann, King, Leonard, McKernan, McPherson, Meyer, Newgent, Nixdorf, Owens, Peck, Rohrer, Swearingen, and Sutton—26.

**NOES**—Messrs. Bedford, Childress, Davis of New Madrid, Dodson, Esther, Evans, Folmsbee, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Grammer, Harris, Holland, Hughes, Hume, Mack, Mitchell, Morton, Rankin, Smith of Mercer, Weatherby, and Williams of Caldwell—22.

**ABSENT**—Messrs. Adams, Barr, Budd, Clover, D’Oench, Foster, Gilstrap, Holdsworth, Linton, Martin, St. Gem, Smith of Worth, Strong, Sutton, Switzler, Williams of Scotland, and Mr. President—17.

So the fourth section was adopted.

Mr. CLOVER moved that the Convention adjourn. Motion lost.

Mr. BEDFORD offered the following amendment:

Amend by striking out sections number 2, 3, 4, 5, 7 and 8, and insert in the sixth section, after the word “discipline,” in the first line, the words “and officering.”

On motion, the Convention adjourned until half-past 9 o’clock to-morrow morning.

## TWENTY-EIGHTH DAY.

THURSDAY, FEBRUARY 9th, 1865.

Convention met pursuant to adjournment, the President in the chair.

The pending amendment, offered by Mr. BEDFORD to the Militia bill, was taken up.

Mr. WILLIAMS of Caldwell offered the following amendment to Mr. Bedford’s amendment: “Retain section eight,” which was accepted by Mr. Bedford.

Mr. OWENS called for a division of the question, so that the vote could be taken by single sections.

The PRESIDENT decided the call out of order.

Mr. OWENS appealed from the decision of the President, and the Convention sustained the President’s decision.

Mr. MEYER demanded the ayes and noes on the pending amendment, and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Childress, Cowden, Davis of New Madrid, Dodson, Drake, Ellis, Esther, Evans, Fletcher, Folmsbee, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Grammer, Green, Harris, Henderson, Holland, Hughes, Hume, Husmann, King, Linton, McKernan, McPherson, Mack, Mitchell, Morton, Nixdorf, Owens, Rankin, Smith of Mercer, Switzler, Thilenius, Weatherby, and Williams of Caldwell—37.

**NOES**—Messrs. Bonham, Budd, Bunce, Davis of Nodaway, D’Oench, Filley, Gamble, Holcomb, Leonard, Martin, Meyer, Newgent, Peck, Smith of Worth, Strong, Sutton, Swearingen, Williams of Scotland, and Mr. President—19.

**ABSENT**—Messrs. Adams, Barr, Bush, Clover, Foster, Gilstrap, Holdsworth, Rohrer, and St. Gem—9.

So the amendment was adopted.

Mr. GREEN offered the following amendment:

Amend by striking out all after the second section, and adopt the following in lieu thereof:

**SECTION 3.** The General Assembly shall provide by law for the organization of the militia into companies, battalions, regiments, and brigades or divisions; for the officering of the same, and for their pay, when called into active service.

**SEC. 4.** There shall be no higher grade than a major general; the number of major generals shall not exceed two, and of brigadier generals not exceeding eight.

On motion of Mr. GREEN, the question was divided, and the vote ordered on section three; on which, Mr. MEYER demanded the ayes and noes, which being taken, the vote stood as follows:

**AYES**—Messrs. Gamble, Green, and Mr. President—3.

**NOES**—Messrs. Bedford, Bonham, Budd, Bunce, Bush, Childress, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Esther, Evans, Filley, Fletcher, Folmsbee, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Grammar, Harris, Henderson, Holcomb, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Mitchell, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzer, Thilenius, Weatherby, Williams of Caldwell, and Williams of Scotland—54.

**ABSENT**—Messrs. Adams, Barr, Clover, Foster, Gilstrap, Holdsworth, Rohrer, and St. Gem—8.

So section third of the amendment was rejected.

Mr. GREEN then withdrew the fourth section of his amendment.

Mr. ELLIS offered the following amendment, which was adopted:

Amend section second by striking out the word “thirty-five,” in fifth line, and insert in lieu thereof the word “forty-five;” also strike out all after the word “of,” in the sixth line, to the word “all,” in the seventh line.

On motion of Mr. DRAKE, the article on Militia was ordered to be engrossed for a third reading.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the

Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. OWENS reported a substitute, offered by Mr. Krekel, for the eighteenth and twenty-sixth sections of the article on Elections and Qualifications of Voters, Officers, and others, with the recommendation that said substitute be printed; and further reported, that the Committee had had under consideration the article on the Judicial Department, but had come to no resolution thereon.

Mr. DRAKE moved that the substitute reported by the committee be printed, according to the recommendation of the Committee, which motion was adopted.

On motion of Mr. GILBERT of Lawrence, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

The President announced the following gentlemen as the Engrossing Committee: Messrs. Budd, Ellis, and Husmann.

On motion of Mr. OWENS, the Convention resolved itself into a Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. BUDD reported that the Committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on the Legislative Department, but had come to no resolution thereon.

Mr. D'OEENCH, Chairman of the Committee to procure furniture and to decorate the hall, submitted the following report:

The committee appointed to procure furniture and decorate the hall, beg leave most respectfully to report that they have discharged that duty, by accepting proposition of Mercantile Library Hall Association, made to Mr. Drake, and furniture from H. H. Curtis, as per bill rendered (\$829 25), which Mr. Curtis proposes to take back if returned in sixty days from the 8th of January, allowing therefor the sum of \$600.

|                                     |          |
|-------------------------------------|----------|
| Cost of furniture under above pro-  |          |
| position would cost the State.....  | \$229 25 |
| Parsons & Co., for work in decora-  |          |
| tion of hall, and use of flags, to  |          |
| be returned within sixty days ..... | 50 00    |

Am't carried forward..... \$279 25

|  |            |
|--|------------|
| Am't brought forward.....\$                          | 279 25     |
| C. G. Thalmann & Co., stationery..                   | 44 55      |
| Moody, Michel & Co., soap.....                       | 8 40       |
| John O. Godding, carpenter work..                    | 12 50      |
| Warne, Cheever & Co., spittoons<br>and sundries..... | 70 60      |
| F. Hafkemeyer & Co., matting.....                    | 740 56     |
|  | \$1,155 86 |

We recommend the passage of the following resolution.

W. D'OENCH, *Chairman.*

*Resolved*, That the bills and accompanying papers be turned over to the Committee on

Accounts, with instructions to audit and pay the same.

On motion, the report and accompanying resolution were received and adopted.

On motion of Mr. SMITH of Worth, the Secretary was authorized to procure one hundred additional copies of the report of the Committee on the Legislative Department, for the use of the Convention.

On motion of Mr. BUNCE, the Convention adjourned until half past 9 o'clock to-morrow morning.

## TWENTY-NINTH DAY.

FRIDAY, FEBRUARY 10th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Dr. Post.

Leave of absence was granted to Mr. Holdsworth until Monday morning.

Mr. SMITH of Worth offered the following resolution:

*Resolved*, That the reporter for the *Democrat* be expelled from this body.

After debate, Mr. SMITH of Worth withdrew his resolution.

On motion of Mr. BUDD, the following memorial was read for information:

*To His Excellency the President of the United States, and the Honorable the Senate and House of Representatives of the United States, in Congress assembled:*

The Convention of this State respectfully memorialize you, to grant to the State the means to pay her military debt; and base their application on the following facts:

That the whole of said debt has been incurred by the State in support of the general government and the cause of the Union, and without which expenditure, on the part of the State, the Government of the United States would have had to maintain a force at great expense to protect the Union people of the State; that in their efforts to remain in the Union, and to perpetuate our government, our people have had to bear great losses and burthens, with little ability to bear up under them; that our State has for the last four years been devastated by war, preventing the raising of crops, or doing anything to enable them to pay taxes; that, in their effort to remain in the Union, this State has emancipated her people hitherto held in bondage, and, as a consequence, cur-

tailed a portion of the labor of the State, and that this labor it will take time to replace; that, in consideration of our condition and the justice of the claim, we earnestly appeal to the Government to grant, without delay, the legislation necessary to enable us to discharge this debt in full.

On motion of Mr. DRAKE, the memorial was adopted, and the Secretary was ordered to furnish to the President of the United States, and each member of Congress from this State, a certified copy of the same.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. FULKERSON reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on the Legislative Department, but had come to no resolution thereon.

Mr. MACK asked leave of absence for Mr. Grammer for ten days, which was granted.

On motion of Mr. OWENS, the Convention adjourned until half-past 2 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. DAVIS of Nodaway demanded a call of the house, which was ordered, and the following gentlemen answered to their names:

Messrs. Budd, Bunce, Childress, Cowden, Davis of Nodaway, Dodson, Fletcher, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Holcomb, Holland, Hughes, Hume, Husmann, King, Leonard, McKernan, Mack, Martin, Meyer, Newgent, Nixdorf, Owens, Peck, Rankin, Smith of Worth, Sutton, Swearingen, Williams of Caldwell, and Mr. President—32.

On motion, further proceedings under the call were dispensed with.

The PRESIDENT caused to be read for information a letter from Colonel E. B. Alexander, respecting the United States enrollment in this State.

Mr. SMITH of Worth asked for the reading of a letter on the same subject, from Howard T. Combs, of Bethany, Mo., which was read for information, and, on motion, laid on the table.

The Engrossing Committee made the following report:

MR. PRESIDENT—The Engrossing Committee beg leave to make the following report: That they have had the article entitled an article on Militia truly engrossed.

GEO. HUSMANN,  
*One of the Committee.*

On motion of Mr. DRAKE, the third section of the Militia bill was stricken out.

On motion of Mr. BUSH, the vote on striking out section third was reconsidered.

Mr. DRAKE then withdrew his motion to strike out.

Mr. RANKIN offered the following amendment, which was read the first and second time, and adopted:

Amend section third, first line, by striking out the words “disciplining and officering,” and insert the words “organizing, equipping and disciplining.”

Mr. SMITH of Worth offered the following amendment, which was rejected:

Amend by striking out section second.

Mr. GREEN offered the following amendment, which was adopted:

Amend section second, in fifth line, after the word years, and insert “except such unmarried persons of the ages herein mentioned as are the sole support of infirm parents, or a family, shall be enrolled with the second class.”

Mr. —— moved to reconsider the vote by which section first of the Militia bill was adopted in the Convention, which motion was rejected.

Mr. MEYER offered the following amendment, which was decided out of order:

Strike out all after the word “State,” in first section and last line.

On motion of Mr. BONHAM, the article on Militia, as amended, was referred back to the Committee on Engrossing.

Mr. PECK asked leave of absence for Mr. Sutton for five days, which was granted.

Mr. OWENS asked leave of absence for Mr. Fletcher for two days, which was granted.

Mr. MARTIN asked leave of absence for four days for Mr. Gamble, which was granted.

Mr. MACK moved that Mr. Grammer be relieved from further duty on the Committee of Accounts, which motion was adopted.

Mr. GILBERT of Platte asked leave of absence for Mr. Harris, which was granted.

Mr. MEYER offered the following resolution:

*Resolved*, That the Committee on Accounts be, and are hereby, instructed not to pay any member, absent without leave after next Tuesday, for days during which he is so absent.

Mr. OWENS moved to lay the resolution on the table; on which motion, Mr. DRAKE demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Bedford, Bunce, Bush, Clover, D’Oench, Evans, Fletcher, Folmsbee, Gamble, Gilbert of Platte, Green, Harris, Holcomb, Hughes, King, Linton, McKernan, Martin, Morton, Nixdorf, Owens, Smith of Mercer, Smith of Worth, Strong, and Weatherby—25.

NOES—Messrs. Bonham, Budd, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Filley, Fulkerson, Gilbert of Lawrence, Holland, Hume, Husmann, Mack, Meyer, Newgent, Peck, Rankin, Rohrer, Sutton, Swearingen, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—15.

ABSENT—Messrs. Adams, Barr, Davis of New Madrid, Ellis, Esther, Foster, Gilstrap, Grammer, Henderson, Holdsworth, Leonard, McPherson, Mitchell, St. Gem, and Switzer—15.

So the motion to lay on the table was rejected.

Mr. CLOVER moved to adjourn; on which Mr. BONHAM demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Bedford, Budd, Childress, Clover, Cowden, Dodson, Evans, Fletcher, Gamble, Harris, Hughes, McPherson, Mack, Martin, Nixdorf, Smith of Mercer, Strong, Sutton, and Williams of Scotland—19.

NOES—Messrs. Bonham, Bunce, Bush, Davis of Nodaway, D’Oench, Drake, Filley,

Folmsbee, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Green, Holcomb, Holland, Hume, Husmann, King, Linton, Meyer, Morton, Newgent, Owens, Peck, Rankin, Rohrer, Smith of Worth, Swearingen, Thilenius, Weatherby, Williams of Caldwell, and Mr. President—31.

**ABSENT**—Messrs. Adams, Barr, Davis of New Madrid, Ellis, Esther, Foster, Gilstrap, Grammer, Henderson, Holdsworth, Leonard, McKernan, Mitchell, St. Gem, and Switzler—15.

So the Convention refused to adjourn.

The question being on the adoption of the resolution of Mr. Meyer, Mr. OWENS demanded the ayes and noes, which being taken, the vote stood as follows:

**AYES**—Messrs. Bonham, Davis of Nodaway, Drake, Filey, Folmsbee, Fulkerson, Gilbert of Lawrence, Holland, Peck, Rankin, Thilenius, and Williams of Caldwell—12.

**Noes**—Messrs. Bedford, Budd, Bunce, Bush, Childress, Clover, Cowden, Dodson, D’Oench, Evans, Fletcher, Gamble, Gilbert of Platte, Green, Harris, Holcomb, Hughes, Hume, Husmann, King, Linton, McKernan, McPherson, Mack, Meyer, Morton, Newgent Nixdorf, Owens, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, Williams of Scotland, and Mr. President—38.

**ABSENT**—Messrs. Adams, Barr, Davis of New Madrid, Ellis, Esther, Foster, Gilstrap, Grammer, Henderson, Holdsworth, Leonard, Martin, Mitchell, St. Gem, and Switzler—15

So the resolution was rejected.

Mr. THILENIUS asked leave of absence for Mr. McPherson for three days, which was granted.

Mr. WILLIAMS of Caldwell offered the following resolution, which was declared out of order:

*Resolved*. That the Sergeant-at-arms be ordered to bring the members of the city into the Convention each day.

Mr. HOLCOMB offered the following resolution, which was adopted:

*Resolved*, That the Secretary be, and is hereby instructed to furnish the Committee on Accounts with the names of members absent without leave. The committee desire instruction whether or not they are entitled to pay.

On motion of Mr. HARRIS, the Committee on Printing was instructed to inquire, and report to-morrow morning at 10 o’clock, the cost of two thousand additional copies of the report of the Committee on Finance.

Mr. BONHAM offered the following resolution:

*Resolved*, That no leave of absence shall be granted, unless for sickness in the family of the member asking leave, after the 15th instant.

Pending which, on motion of Mr. DRAKE, the Convention adjourned until half-past 9 o’clock to-morrow morning.

## THIRTIETH DAY.

SATURDAY, FEBRUARY 11th, 1865.

Convention met pursuant to adjournment, the President in the Chair.

Mr. DRAKE demanded a call of the house, which was ordered, and the following gentlemen responded to their names:

Messrs. Bedford, Bonham, Bunce, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Folmsbee, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Green, Holcomb, Hume, King, Leonard, Linton, Mack, Martin, Meyer, Mitchell, Nixdorf, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Swearingen, Williams of Caldwell, Williams of Scotland, and Mr. President—32.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Bush, Clover, D’Oench, Ellis, Evans, Filey, Fletcher, Holland, Hughes, Morton,

Owens, Rohrer, Switzler, Thilenius, and Weatherby—16.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Davis of New Madrid, Foster, Gamble, Gilstrap, Grammer, Harris, Holdsworth, McKernan, McPherson, St. Gem, and Sutton—13.

**EXCUSED**—Mr. Husmann—1.

**SICK**—Messrs. Esther, Henderson, and Newgent—3.

Mr. GREEN moved to suspend further proceedings under the call of the house, which motion was disagreed to.

The acting Sergeant-at-arms reported the following members as having come in since the call commenced:

Messrs. Budd, Bush, Clover, Ellis, Filley, Hughes, and Thilenius—7.

Mr. DRAKE moved to suspend further proceedings under the call of the house, which motion was disagreed to.

Mr. GREEN moved to adjourn; on which motion Mr. DRAKE demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Bedford, Evans, Gilbert of Platte, Green, Hughes, Leonard, Linton, Mack, Martin, Strong, Switzler, and Weatherby—12.

NOES—Messrs. Bonham, Budd, Bunce, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Filley, Folmsbee, Fulkerson, Gilbert of Lawrence, Holcomb, Holland, Hume, King, Meyer, Mitchell, Morton, Nixdorf, Peck, Rankin, Swearingen, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—31.

ABSENT—Messrs. Adams, Barr, Davis of New Madrid, Fletcher, Foster, Gamble, Gilstrap, Grammer, Harris, Holdsworth, Husmann, McKernan, McPherson, Owens, Rohrer, St. Gem, Smith of Mereer, Smith of Worth, and Sutton—19.

SICK—Messrs. Esther, Henderson, and Newgent—3.

So the Convention refused to adjourn.

On motion of Mr. BUSH, further proceedings under the call of the house were dispensed with.

Mr. BEDFORD asked leave of absence for Mr. Davis of New Madrid, for eight or ten days, on account of sickness in his family, which was granted.

Mr. BUSH asked leave of absence for Mr. Husmann, for two days, on account of sickness in his family, which was granted.

Mr. FILLEY, Chairman of the Committee on Printing, made the following report in answer to a resolution of yesterday:

The Committee on Printing report the cost of additional copies of the Finance Report, in pamphlet form, at thirty-five dollars per thousand; and for the report in bill form at six dollars per thousand.

Mr. DRAKE moved that two thousand copies of the Report of the Committee on Finance, with the articles reported by said committee appended, in pamphlet form, be printed and furnished for the use of the Convention, which motion was disagreed to.

Mr. DRAKE called for the regular order of business for the day, being the Declaration of Rights as amended by the Committee of the Whole, which was then taken up by the Convention.

Mr. BUSH offered the following amendment, which was read the first and second time:

Strike out the 9th, 10th, 11th, 12th, and 13th sections, and insert in lieu thereof the following:

SEC. 9. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can be compelled to erect, support, or attend, any place of worship, or to maintain any minister of the gospel, or teacher of religion; but whatever contracts any person may enter into for any such object, ought, in law, to be binding and capable of enforcement, as other contracts; that no human authority can control or interfere with the rights of conscience; that no person can ever be hurt, molested, or restrained in his religious professions, sentiments, or practice, unless, under the color of religion, he endangers the good order, peace, or safety of the State, or disturbs others in their religious worship.

SEC. 10. That no person, on account of his religious opinions, can be rendered ineligible to any office of trust or profit under this State, nor be deprived of any civil rights, privileges, or capacities; that no preference can ever be given, by law, to any church, sect, or mode of worship.

SEC. 11. That no religious corporation can be established in this State; but provision may be made by general laws for securing the title to church property, so that it shall be held and used for the purposes intended.

Mr. DRAKE offered the following amendment to the amendment, which was read the first and second time:

Strike out of section eleven the words, “but provision may be made by general laws for securing the title to church property, so that it shall be held and used for the purposes intended.”

Mr. OWENS offered the following resolution, which was, on motion of Mr. DRAKE, laid on the table:

*Resolved*, That this Convention will adjourn *sine die* on Monday, February 27th, at 12 M.

Mr. BUNCE asked leave of absence for himself for — days; which was granted.

Mr. GREEN asked that the leave of absence granted Mr. Gilstrap be extended till next Saturday; which was done.

Mr. HUGHES moved to adjourn till Monday morning at half-past 10 o'clock; on which, Mr. OWENS demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Adams, Bedford, Bunce, Bush, Clover, Ellis, Folmsbee, Gilbert of

Platte, Green, Holeomb, Hughes, Leonard, Martin, Mitchell, Morton, Nixdorf, Rankin, Rohrer, Strong, and Switzler—20.

**NOES**—Messrs. Bonham, Childress, Cowden, Davis of Nodaway, Dodson, D’Oench, Drake, Evans, Filley, Fulkerson, Gilbert of Lawrence, Holland, Hume, King, Linton, Mack, Meyer, Owens, Peck, Smith of Mereer, Smith of Worth, Swearingen, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—26.

**ABSENT**—Messrs. Barr, Budd, Davis of New Madrid, Fletcher, Foster, Gamble, Gilstrap, Grammer, Harris, Holdsworth, Husmann, McKernan, McPherson, St. Gem, Sutton, and Weatherby—16.

**SICK**—Messrs. Esther, Henderson, and Newgent—3.

So the motion to adjourn was rejected.

On motion of Mr. DAVIS of Nodaway, the Convention adjourned until half-past 2 o’clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. RANKIN asked leave of absence for Mr. Rohrer for this afternoon, which was granted.

The question being on the passage of Mr. Drake’s amendment to the amendment of Mr. Bush, Mr. DRAKE withdrew his amendment.

Mr. GREEN offered the following amendment to the amendment of Mr. Bush, which was read the first and second time, and accepted by Mr. Bush:

Amend section eleven by striking out all after “State,” in second line, and substituting the following in lieu thereof: “Except that the General Assembly may, by a general law, provide for the incorporation of religious societies or congregations, so as to enable them, through trustees of their own choosing, to purchase, acquire, hold, or transfer such property as may be required for church buildings, parsonages, or burial grounds, and for no other purpose.”

Mr. BUSH, by request of Mr. Krekel, struck out of his amendment to section ten the words “or capacities” after the word “privileges,” and inserted the word “and,” before the word “privileges.”

The question being on the amendment of Mr. Bush, as modified by the amendments of Mr. Green and Mr. Krekel, Mr. DRAKE demanded the ayes and noes, which being taken, the vote stood as follows:

**AYES**—Messrs. Bedford, Bush, Childress, Clover, Gilbert of Lawrence, Gilbert of Platte, Green, Holeomb, Holland, King, Linton, McKernan, Mack, Meyer, Morton, Nixdorf, Owens, Thilenius, Weatherby, Williams of Caldwell, and Mr. President—21.

**NOES**—Messrs. Adams, Bonham, Budd, Bunee, Cowden, Davis of Nodaway, Dodson, Drake, Esther, Evans, Filley, Folmsbee, Fulkerson, Hume, Leonard, Martin, Mitchell, Peck, Rankin, Smith of Mereer, Smith of Worth, Strong, Swearingen, Switzer, and Williams of Scotland—25.

**ABSENT**—Messrs. Barr, Davis of New Madrid, D’Oench, Ellis, Fletcher, Foster, Gamble, Gilstrap, Grammer, Harris, Holdsworth, Hughes, Husmann, McPherson, Rohrer, St. Gem, and Sutton—17.

**SICK**—Messrs. Henderson and Newgent—2.

So the amendment was rejected.

Mr. GILBERT of Lawrencee asked leave of absence for this evening, whieh was granted.

Mr. DRAKE offered the following amendment, which was read the first and second time, and adopted:

Amend section nine by inserting in line four, after the word “testifying,” the words “that no human authority can control or interfere with the rights of conscience.”

Mr. DRAKE offered the following amendment, which was read the first and second time, and rejected:

Amend the ninth section by striking out of the seventh and eighth lines the words “or infringe the laws of morality,” and insert in lieu thereof the words “or offend against public morals.”

Mr. DAVIS of Nodaway moved to adjourn, which motion was lost.

Mr. HOLLAND offered the following amendment, which was read the first and second time:

Strike out in seventh and eighth lines, after the word “State,” in seventh line, “or infringe the laws of morality.”

Mr. DRAKE demanded the ayes and noes, which being taken, stood as follows:

**AYES**—Messrs. Adams, Bedford, Bush, Cowden, Filley, Green, Holeomb, Holland, Hughes, King, Leonard, Linton, McKernan, Martin, Meyer, Mitchell, Nixdorf, Owens, Rohrer, Thilenius, Weatherby, Williams of Caldwell, and Mr. President—23.

**NOES**—Messrs. Bonham, Bunee, Chidress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Evans, Folmsbee, Fulkerson, Gilbert of Platte, Hume, Mack, Morton, Peck, Rankin, Smith of Mereer, Smith of Worth, Strong, Swearingen, Switzer, and Williams of Scotland—23.

**ABSENT**—Messrs. Barr, Budd, Davis of New Madrid, D'Oench, Ellis, Fletcher, Foster, Gamble, Gilbert of Lawrence, Gilstrap, Grammer, Harris, Holdsworth, Husmann, McPherson, St. Gem, and Sutton—19.

**SICK**—Messrs. Henderson and Newgent.

So the amendment was rejected.

Mr. MEYER offered the following resolution:

*Resolved*, That in the opinion of this Convention it is wholly inexpedient, and would be dangerous to the peace and safety of the people of Missouri, for martial law to be removed from this State.

The resolution was unanimously adopted.

Mr. OWENS gave notice that on Monday he

would introduce an amendment to the thirteenth rule.

On motion of Mr. OWENS, the following resolution was unanimously adopted:

*Resolved*, That a committee of three be appointed by the President to present to the commander of the Division of the Missouri the resolution adopted by this Convention relative to martial law in this State.

The PRESIDENT appointed Messrs. Owens, Meyer, and Green said committee.

On motion of Mr. STRONG, the Convention adjourned until Monday morning next at half-past 9 o'clock.

## THIRTY-FIRST DAY.

MONDAY, FEBRUARY 13th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Kyle.

Mr. MEYER moved to reconsider the vote of Saturday, on the resolution to print two thousand copies of the report of the Committee on Finance, which motion was agreed to.

On motion of Mr. HOLCOMB, the resolution was amended to read as follows:

That two thousand copies of the report of the Committee on Finance be printed in pamphlet form, and furnished for the use of the Convention.

The resolution, as amended, was then adopted.

Mr. BONHAM's resolution, relative to leaves of absence, was called up, and, on motion of Mr. ST. GEM, it was laid on the table.

Mr. OWENS offered the following resolution, which was read for information, and laid over under the rules governing the Convention:

*Resolved*, That the following be adopted as an amendment to the thirteenth rule, by adding thereto the words, ‘nor at any time for a longer period than ten minutes.’

Mr. DRAKE offered the following preamble and resolutions:

WHEREAS, In the message of Abraham Lincoln, President of the United States, to Congress, on the 10th inst., communicating the facts and documents in regard to the recent conference with rebel Commissioners at Hampton Roads, there is found a letter of instructions from him to the Secretary of State, wherein the President directed the Secretary to make known to said Commissioners that three things are indispensable, to-wit:

‘First—The restoration of the national authority throughout all the States:

‘Second—No receding by the Executive of the United States, on the slavery question, from the positions assumed thereon in the late annual message to Congress, and in the preceding documents:

‘Third—No cessation of hostilities short of an end of the war, and the disbanding of all forces hostile to the Government.’

AND WHEREAS, this Convention deem it proper that this clear announcement by the National Executive of the terms upon which peace may be restored should be noticed by this body; therefore,

*Resolved* by the Representatives of the People of the State of Missouri, in Convention assembled, That we do unqualifiedly approve, uphold and sustain President Lincoln in the declaration of those terms, and do thank him for so plainly laying down the only basis upon which, in our judgment, a peace can be made which will be honorable to the United States, permanent in its duration, and true to the cause of freedom.

*Resolved*, That deeply as Missouri has suffered by the war of the rebellion, we unhesi-

tatingly pledge her loyal people to stand up to the National Government to the last extremity in prosecuting the war until peace shall be established, and, if need be, conquered on that basis.

*Resolved*, That a committee of seven be appointed to communicate these resolutions to President Lincoln.

Mr. SWITZLER moved that the preamble and resolutions offered by Mr. Drake be laid on the table; that one hundred copies be printed for the use of this body, and that it be made the special order of the day for tomorrow morning at 10 o'clock.

The motion was rejected.

Mr. SWITZLER moved to amend by striking out of the first resolution the word "only," on which Mr. GILBERT of Platte demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Gilbert of Platte, Morton, and Switzler—3.

NOES—Messrs. Adams, Bonham, Budd, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Evans, Filley, Folmsbee, Foster, Fulker-son, Gilbert of Lawrence, Green, Holcomb, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, Mack, Martin, Meyer, Mitchell, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—48.

ABSENT—Messrs. Barr, Bedford, Bunee, Davis of New Madrid, Fletcher, Gamble, Gilstrap, Grammer, Harris, Holdsworth, McPherson, and Sutton—12.

SICK—Messrs. Esther and Henderson—2.

So the amendment was rejected.

The question being on the passage of the preamble and resolutions, Mr. DRAKE demanded the ayes and noes, which being taken, stood as follows:

AYES—Messrs. Adams, Bedford, Bonham, Budd, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Evans, Filley, Folmsbee, Foster, Fulker-son, Gilbert of Lawrence, Gilbert of Platte, Green, Holcomb, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, Mack, Martin, Meyer, Mitchell, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Swearingen, Switzler, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—52.

NOES—None.

ABSENT—Messrs. Barr, Bunee, Davis of New Madrid, Fletcher, Gamble, Gilstrap,

Grammer, Harris, Holdsworth, McPherson, and Sutton—11.

SICK—Messrs. Esther and Henderson—2.

So the preamble and resolutions were unanimously adopted.

The PRESIDENT appointed the following gentlemen as a committee to communicate with the President of the United States, as provided for in the resolutions: Messrs. Drake, Folmsbee, Ellis, Mack, D'Oench, Leonard, and St. Gem.

Mr. OWENS called up the resolution offered by him relative to amending the thirteenth rule governing the Convention, it having been laid over under an error.

Mr. BUDD, Chairman of the Engrossing Committee, reported back the article on Militia as truly engrossed.

Mr. CLOVER moved to lay the resolution of Mr. Owens on the table, and on that motion Mr. HOLLAND demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Adams, Bonham, Clover, Davis of Nodaway, Folmsbee, Gilbert of Lawrence, Gilbert of Platte, Martin, and Strong—9.

NOES—Messrs. Bush, Cowden, Dodson, D'Oench, Drake, Evans, Filley, Foster, Fulker-son, Green, Holcomb, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, Mack, Mitchell, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Swearingen, Switzler, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—38.

ABSENT—Messrs. Barr, Bedford, Budd, Bunee, Childress, Davis of New Madrid, Ellis, Fletcher, Gamble, Gilstrap, Grammer, Harris, Holdsworth, McPherson, Meyer, and Sutton—16.

SICK—Messrs. Esther and Henderson—2.

So the Convention refused to lay the resolution on the table.

Mr. BUSH moved to amend the resolution by striking out the word "ten," and inserting the word "twenty" in lieu thereof.

Mr. SMITH of Worth moved to amend the amendment by striking out the word "twenty," and inserting the word "fifteen."

Mr. BUSH accepted Mr. Smith's amendment.

On motion of Mr. OWENS, the resolution, as thus amended, was adopted.

On motion of Mr. DAVIS of Nodaway, the Convention adjourned until half-past 2 o'clock, P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

The resolution offered by Mr. Bonham, relative to granting leave of absence to members, was called up, and, on motion of Mr. OWENS, was laid on the table.

Mr. NEWGENT presented a petition from citizens of Jackson county, relative to disloyal office-holders, which was read for information, and, on motion of Mr. BUSH, referred to the Committee on the Judicial Department.

On motion of Mr. NEWGENT, the Convention took up the article on Militia, as reported back from the Engrossing Committee.

Mr. KREKEL offered the following as a substitute for the article on Militia:

**SECTION 1.** All able-bodied male inhabitants of this State, between the ages of eighteen and forty-five years, who are citizens of the United States, or have declared their intention to become citizens of the United States, shall be liable to military duty in the militia of this State, and there shall be no exemption from such duty, except such persons as the General Assembly may, by law, exempt.

**SEC. 2.** The militia shall be divided into two classes. The first class shall consist of those between the ages of eighteen and twenty-five years, and the second of those between the ages of twenty-five and forty-five years. The General Assembly shall, by law, provide for the organization of the militia, and for the paying of the same, when called into actual service; but there shall be no officers appointed above the grade of brigadier general; nor shall they exceed eight in number.

**SEC. 3.** A Military Board of Examiners shall be appointed by the Governor, by and with the consent of the Senate, and no commission shall be issued to any militia officer unless having first passed the examination of such Board.

Mr. DRAKE offered the following amendment of the substitute, which was read and accepted by Mr. Krekel:

Strike out, in section first, all after the word "except," and insert in lieu thereof the following: "Persons laboring under mental disability, and such persons as the General Assembly may, by law, exempt."

Mr. STRONG offered the following amendment to section first:

Strike out the words "civil officers," and insert the word "persons."

Which was accepted by Mr. Krekel.

On motion of Mr. OWENS, the rule requiring the bill to be engrossed was suspended, and the bill passed to its third reading.

Mr. PECK offered the following amendment:

Strike out all down to the words "General Assembly."

Which, on motion, was rejected.

On motion of Mr. OWENS, the substitute for the Militia bill, offered by Mr. Krekel, as amended, was adopted, and referred to the Committee on Revision.

Mr. HOLCOMB asked leave of absence for Mr. Meyer, for two days, which was granted.

On motion of Mr. OWENS, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## THIRTY-SECOND DAY.

TUESDAY, FEBRUARY 14th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Mr. EVANS moved to reconsider the vote by which Mr. BUSH's amendment to the Declaration of Rights was rejected.

Mr. DRAKE moved to lay the motion on the table, and demanded the ayes and noes thereon.

Mr. OWENS moved a call of the house, which being ordered, the following members responded to their names:

Messrs. Bedford, Bonham, Budd, Chidress, Cowden, Davis of Nodaway, Dodson, Drake, Ellis, Esther, Evans, Folmsbee, Foster, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Green, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, McKernan, McPherson, Martin, Mitchell, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Strong, Swearingen, Thilenius, Weatherby, Williams of Caldwell, and Mr. President—43.

**ABSENT WITH LEAVE** — Messrs. Adams, Barr, Bunce, Davis of New Madrid, Fletcher,

Gamble, Gilstrap, Grammer, Harris, and Meyer—10.

**ABSENT WITHOUT LEAVE**—Messrs. Bush, Clover, D’Oench, Filley, Leonard, Linton, Sutton, Switzler, and Williams of Scotland—9.

**SICK**—Messrs. Henderson, Mack, and Smith of Worth—3.

On motion of Mr. HUGHES, further proceedings under the call of the house were dispensed with.

Mr. DRAKE withdrew his motion to lay the motion of Mr. Evans on the table; and thereupon Mr. EVANS withdrew his motion to reconsider the vote by which the amendment of Mr. Bush was rejected.

On motion of Mr. HUSMANN, the special order of the day, being the Declaration of Rights as amended by the Committee of the Whole, was taken up.

Mr. HUSMANN offered the following amendment:

Amend section first, first line, by striking out the words “equally free,” and inserting in lieu thereof the words “personally free, but that in the exercise of their political and religious rights they shall be classed according to color and religion.”

Mr. OWENS moved to amend the amendment, by striking out the words “and religious;” which was rejected.

Mr. HUGHES offered the following amendment:

Amend section nine by inserting after the word “testifying,” in the fourth line, the words “or serving as juror.”

Mr. PECK moved to amend by adding to the amendment, “provided said person believe in the existence of a God;” which was rejected.

The question then being on the amendment offered by Mr. Hughes, Mr. WILLIAMS of Caldwell demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, Clover, Dodson, D’Oench, Drake, Evans, Foster, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Green, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, McKernan, McPherson, Morton, Newgent, Nixdorf, Rohrer, St. Gen, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—28.

**NOES**—Messrs. Budd, Childress, Cowden, Davis of Nodaway, Ellis, Esther, Folmsbee, King, Linton, Martin, Mitchell, Peck, Rankin, Smith of Mercer, Strong, and Swearingen—16.

**ABSENT**—Messrs. Adams, Barr, Bedford, Bonham, Bunce, Davis of New Madrid, Filley, Fletcher, Gamble, Gilstrap, Gram-

mer, Harris, Leonard, Meyer, Owens, Sutton, Switzler, and Weatherby—18.

**SICK**—Messrs. Henderson, Mack, and Smith of Worth—3.

So the amendment was agreed to.

Mr. GILBERT of Lawrence offered the following amendment:

Amend section nine by striking out all after the word “State,” in the seventh line, to the end.

Mr. MITCHELL offered the following amendment, which was decided out of order:

Amend section nine, lines seven and eight, by striking out the words “or infringe the laws of morality.”

Mr. GREEN offered the following as a substitute for the amendment of Mr. Gilbert of Lawrence, which was accepted by Mr. Gilbert:

Amend section nine, line seven, by inserting after the word “of” the words “society or,” and strike out all that follows after “State.”

The question then being upon the amendment offered by Mr. Gilbert of Lawrence, Mr. GREEN demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Bush, D’Oench, Foster, Gilbert of Lawrence, Gilbert of Platte, Green, Holcomb, Hughes, Husmann, Linton, McKernan, Martin, Mitchell, Morton, Nixdorf, Owens, Rohrer, St. Gen, Thilenius, and Williams of Caldwell—21.

**NOES**—Messrs. Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Ellis, Esther, Evans, Fletcher, Folmsbee, Fulkerson, Holdsworth, Holland, Hume, King, McPherson, Newgent, Peck, Rankin, Smith of Mercer, Strong, Swearingen, Williams of Scotland, and Mr. President—25.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Gamble, Gilstrap, Grammer, Harris, Meyer, and Sutton—10.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Filley, Leonard, and Switzler—4.

**SICK**—Messrs. Bonham, Henderson, Mack, Smith of Worth, and Weatherby—5.

So the amendment was rejected.

Mr. GREEN offered the following amendment:

Amend section first by striking out the words in the first and second lines, “created equally free, and are.”

On motion of Mr. BEDFORD, the Convention adjourned until half-past 2 o’clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

The pending amendment offered by Mr. Green was taken up; on which Mr. DRAKE demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Bush, Clover, Cowden, Esther, Foster, Gilbert of Platte, Green, Holcomb, Holland, Hughes, Leonard, McKernan, Mitchell, Morton, Nixdorf, Owens, Strong, Switzler, Thilenius, and Mr. President—21.

**NOES**—Messrs. Bonham, Budd, Childress, Davis of Nodaway, Dodson, Drake, Evans, Folmsbee, Fulkerson, Gilbert of Lawrence, Holdsworth, Hume, Husmann, King, McPherson, Newgent, Rankin, St. Gem, Smith of Mercer, Swearingen, Williams of Caldwell, and Williams of Scotland—22.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Gamble, Gilstrap, Grammer, Harris, Meyer, Martin, Peck, and Sutton—12.

**ABSENT WITHOUT LEAVE**—Messrs. D'Onen, Ellis, Filley, Fletcher, Linton, and Rohrer—6.

**SICK**—Messrs. Henderson, Mack, Smith of Worth, and Weatherby—4.

So the amendment was rejected.

Mr. DRAKE moved to suspend the rule which requires a majority of two-thirds, to enable him to offer an additional rule, which motion was agreed to.

Mr. DRAKE offered the following additional rule, which was read:

That any amendment to any proposition may be laid on the table by vote, without taking the proposition with it.

Mr. BUDD offered the following as a substitute for the rule proposed by Mr. DRAKE, which was read, and accepted by Mr. Drake:

When a motion is made to lay on the table an amendment of any original proposition, or to amend a pending amendment, and such motion to lay on the table shall prevail, it shall not have the effect of laying the original proposition, or the pending amendment, on the table.

On motion, this rule was adopted.

Mr. CLOVER offered the following amendment:

Amend by inserting the words “of vicinage” after the word “jury,” in the fifth line of the eighteenth section.

Which was adopted.

Mr. HUSMANN offered the following amendment, which, on motion of Mr. DRAKE, was laid on the table:

Amend section one, first line, by striking

out the last syllable of the word “equally,” and also the word “free,” after that syllable.

Mr. DRAKE moved to reconsider the vote of last Saturday on the motion made by him to amend the ninth section, by striking out the words “or infringe the laws of morality,” and inserting, in lieu thereof, the words “or offend against public morals.”

Mr. STRONG moved to lay the motion to reconsider on the table, and demanded the ayes and noes thereon, which being taken, the vote stood as follows:

**AYES**—Messrs. Bonham, Dodson, Folmsbee, Leonard, McPherson, Morton, Peck, Rankin, Smith of Mercer, Strong, Switzler, and Williams of Scotland—12.

**NOES**—Messrs. Bedford, Budd, Bush, Childress, Clover, Cowden, Davis of Nodaway, D'Onen, Drake, Esther, Evans, Foster, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Green, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Linton, McKernan, Martin, Mitchell, Newgent, Nixdorf, Owens, Rohrer, St. Gem, Swearingen, Thilenius, Williams of Caldwell, and Mr. President—36.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Gamble, Gilstrap, Grammer, Harris, Meyer, and Sutton—10.

**ABSENT WITHOUT LEAVE**—Messrs. Ellis, Filley, and Fletcher—3.

**SICK**—Messrs. Henderson, Mack, Smith of Worth, and Weatherby—4.

So the motion to lay on the table was rejected.

The question then being on Mr. Drake's motion to reconsider, Mr. DRAKE demanded the ayes and noes thereon, which being taken, the vote stood as follows:

**AYES**—Messrs. Bedford, Budd, Bush, Childress, Clover, D'Onen, Drake, Esther, Evans, Foster, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Green, Holcomb, Holdsworth, Holland, Hume, Husmann, King, Linton, McKernan, McPherson, Martin, Mitchell, Morton, Newgent, Nixdorf, Owens, Rohrer, St. Gem, Switzler, Thilenius, Williams of Caldwell, and Mr. President—35.

**NAYS**—Messrs. Bonham, Davis of Nodaway, Dodson, Folmsbee, Leonard, Peck, Rankin, Smith of Mercer, Strong, Swearingen, and Williams of Scotland—11.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Gamble, Gilstrap, Grammer, Harris, Meyer, and Sutton—10.

**ABSENT WITHOUT LEAVE**—Messrs. Cowden, Ellis, Filley, Fletcher, and Hughes—5.

**SICK**—Messrs. Henderson, Mack, Smith of Worth, and Weatherby—4.

So the motion to reconsider prevailed.

The question then recurred upon the motion of Mr. DRAKE to amend the ninth section, by striking out the words "or infringe the laws of morality," and insert in lieu thereof, the words "or offend against public morals."

On which, Mr. KREKEL demanded the ayes and noes, which being taken, the vote stood as follows:

**AYES**—Messrs. Bedford, Budd, Bush, Clover, D'Oench, Drake, Ellis, Evans, Foster, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Green, Holecomb, Holland, Hume, Husmann, King, Linton, McKernan, McPherson, Martin, Mitchell, Morton, Newgent, Nixdorf, Owens, Rohrer, St. Gem, Strong, Switzler, Thilenius, Williams of Caldwell, and Mr. President—34.

**NOES**—Messrs. Bonham, Childress, Davis of Nodaway, Dodson, Esther, Filley, Folmsbee, Holdsworth, Leonard, Peck, Rankin, Smith of Mercer, Swearingen, and Williams of Scotland—14.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Gamble, Gilstrap, Grammer, Harris, Meyer, and Sutton—10.

**ABSENT WITHOUT LEAVE**—Messrs. Cowden, Fletcher, and Hughes—3.

**SICK**—Messrs. Henderson, Mack, Smith of Worth, and Weatherby—4.

So the amendment was adopted.

Mr. OWENS moved that the vote just taken be reconsidered; and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

Mr. STRONG moved to amend section twenty-fifth by striking out all after the word "comfort" in the second line, and demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Budd, Bush, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Filley, Folmsbee, Fulkerson, Gilbert of Lawrence, Green, Holdsworth, Holland, Husmann, King, Leonard, McKernan, McPherson, Martin, Mitchell, Newgent, Nixdorf, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Strong, Swearingen, Williams of Caldwell, and Williams of Scotland—33.

**NOES**—Messrs. Bedford, Childress, Cowden, Esther, Evans, Foster, Gilbert of Platte, Hughes, Hume, Linton, Morton, Owens, Switzler, Thilenius, and Mr. President—15.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Gamble, Gilstrap, Grammer, Harris, Meyer, and Sutton—10.

**ABSENT WITHOUT LEAVE**—Messrs. Clover, Fletcher, and Holcomb—3.

**SICK**—Messrs. Henderson, Mack, Smith of Worth, and Weatherby—4.

So the amendment was adopted.

Mr. BONHAM moved that the vote just taken be reconsidered; and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

Mr. BUSH offered the following amendment:

Amend section twenty-first by adding thereto the words, "nor shall the punishment of death be inflicted."

Mr. SMITH of Mercer moved to lay the amendment offered by Mr. Bush on the table.

Mr. BUSH demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Davis of Nodaway, Dodson, Drake, Ellis, Esther, Evans, Folmsbee, Fulkerson, Holdsworth, Holland, Hume, Linton, McPherson, Martin, Newgent, Peek, Rankin, Smith of Mercer, Swearingen, Switzler—20.

**NOES**—Messrs. Bedford, Bonham, Bush, Childress, Clover, Cowden, D'Oench, Foster, Gilbert of Lawrence, Gilbert of Platte, Green, Hughes, Husmann, King, McKernan, Mitchell, Morton, Nixdorf, Owens, Rohrer, St. Gem, Strong, Thilenius, Williams of Scotland, and Mr. President—25.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Gamble, Gilstrap, Grammer, Harris, Meyer, and Sutton—10.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Filley, Fletcher, Holcomb, Leonard, and Williams of Caldwell—6.

**SICK**—Messrs. Henderson, Mack, Smith of Worth, and Weatherby—4.

So the motion to lay on the table was rejected.

The question then being on the adoption of the amendment offered by Mr. Bush, Mr. BUSH demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Bush, Clover, Cowden, D'Oench, Foster, Green, Hughes, Husmann, Martin, Nixdorf, Owens, Rohrer, Thilenius, and Mr. President—15.

**NOES**—Messrs. Bonham, Childress, Davis of Nodaway, Dodson, Drake, Ellis, Esther, Evans, Folmsbee, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Holecomb, Holdsworth, Holland, Hume, King, Leonard, Linton, McKernan, McPherson, Morton, Mitchell, Newgent, Peck, Rankin, St. Gem, Smith of Mercer, Strong, Swearingen, Switzler, and Williams of Scotland—32.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Gamble, Gilstrap, Grammer, Harris, Meyer, and Sutton—10.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Filley, Fletcher, and Williams of Caldwell—4.

**SICK**—Messrs. Henderson, Mack, Smith of Worth, and Weatherby—4.

So the amendment was rejected.

Mr. BONHAM moved that the article on Declaration of Rights be ordered to be engrossed for a third reading.

Pending which, Mr. BUSH offered the following amendment:

Amend by striking out sections twelve and thirteen.

Pending which, Mr. CLOVER moved to adjourn; on which motion, Mr. HOLLAND demanded the ayes and noes, which being taken, the vote stood as follows:

**AYES**—Messrs. Bedford, Childress, Clover, Cowden, Ellis, Esther, Folsom, Foster, Gilbert of Lawrence, Gilbert of Platte, Holcomb, Hume, Leonard, McKernan, Martin, Morton, Nixdorf, Owens, Peck, Rankin, Rohrer, Smith of Mercer, Strong, and Williams of Scotland—24.

**NOES**—Messrs. Bonham, Bush, Davis of Nodaway, Dodson, D'Onen, Drake, Evans, Fulkerson, Green, Holdsworth, Holland, Hughes, Husmann, King, Linton, McPherson, Mitchell, Newgent, St. Gem, Swearingen, Thilenius, and Mr. President—22.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Gamble, Gilstrap, Grammer, Harris, Meyer, and Sutton—10.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Filley, Fletcher, Switzler, and Williams of Caldwell—5.

**SICK**—Messrs. Henderson, Mack, Smith of Worth, and Weatherby—4.

So the motion to adjourn was agreed to; and the Convention adjourned until half-past 9 o'clock to-morrow morning.

## THIRTY-THIRD DAY.

WEDNESDAY, FEBRUARY 15th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Cole.

Mr. DRAKE offered the following resolution:

*Resolved*, That the people of Missouri, in authorizing, by a majority of more than thirty thousand votes, the holding of this Convention, and in electing the members thereof, in our opinion, intended and expected not only that slavery should be abolished and disloyalists disfranchised, but that the Constitution of this State, framed nearly forty-five years ago, for a slave State of less than seventy thousand inhabitants, should be carefully revised and amended, so as to adapt it to a free State of more than a million of inhabitants; and that such revision, amendment, and adaptation should be made in such manner as to the people's representatives here assembled should seem expedient.

*Resolved*, That we will proceed, as rapidly as may be consistent with due deliberation and proper care for the public good, to perform, in all its parts, the duty devolved upon us, confident that the people will not complain of the time occupied therein, and trusting that our work, when completed, will vindicate itself before them.

Mr. FOSTER offered the following as a substitute for the resolutions of Mr. Drake:

*Resolved*, That the loyal people of Missouri, in the opinion of this Convention, did not,

at the election, and do not now, expect or desire us to revise or remodel the whole Constitution of the State; but, on the contrary, to adopt amendments on the subject of emancipation, and the disfranchisement of rebels, and such others as the public good demand, and adjourn.

Mr. BUSH offered the following as a substitute for the proposition of Mr. Foster, which Mr. Foster accepted:

*Resolved*, That the proceedings and debates of this Convention, during the past five weeks, have satisfied a majority of its members that this Convention should not attempt to amend the present old Constitution, except by such amendments as have become absolutely necessary: 1st, by changing this State from a slave State into a free State; and further, 2d, to protect the purity of the ballot-box; and lastly, such other amendments about which there is scarcely any diversity of opinion among us; and that we should refrain from all amendments about which this Convention is almost equally divided, and for which this time of war is by no means propitious.

Mr. BUSH moved to lay the original proposition and substitute on the table; on which motion Mr. DRAKE demanded the ayes and noes.

On motion of Mr. BONHAM, the Convention adjourned until half-past 2 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

The ayes and noes having been demanded on the motion to lay on the table the resolutions of Mr. Drake and the substitute of Mr. Foster, the vote being taken, stood as follows:

**AYES**—Messrs. Bush, Clover, D'Oench, Ellis, Esther, Fletcher, Foster, Gilbert of Platte, Holcomb, Holland, Husmann, Leonard, Linton, Martin, Morton, Newgent, Nixdorf, Rohrer, St. Gem, Switzler, Thilenius, Weatherby, Williams of Caldwell, and Mr. President—24.

**NOES**—Messrs. Bonham, Budd, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Evans, Filley, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Hughes, Hume, King, Leonard, McKernan, McPherson, Owens, Peck, Smith of Mercer, Smith of Worth, Strong, Swearingen, and Williams of Scotland—26.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Gamble, Gilstrap, Grammer, Harris, Meyer, and Sutton—10.

**ABSENT WITHOUT LEAVE**—Mr. Green—1.

**SICK**—Messrs. Bedford, Mack, Mitchell, and Rankin—4.

So the motion to lay on the table was rejected.

The question then being on adopting the substitute offered by Mr. Foster, Mr. DRAKE demanded the ayes and noes thereon, which being taken, the vote stood as follows:

**AYES**—Messrs. Bush, D'Oench, Foster, Gilbert of Platte, Holland, Husmann, Linton, Martin, Morton, Nixdorf, Owens, St. Gem, Switzler, and Thilenius—14.

**NOES**—Messrs. Bonham, Budd, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Esther, Evans, Filley, Fletcher, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Hughes, Hume, King, Leonard, McKernan, McPherson, Newgent, Peck, Smith of Mercer, Smith of Worth, Strong, Swearingen, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—34.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Gamble, Gilstrap, Grammer, Harris, Meyer, and Sutton—10.

**ABSENT WITHOUT LEAVE**—Messrs. Ellis, Green, and Rohrer—3.

**SICK**—Messrs. Bedford, Mack, Mitchell, and Rankin—4.

So the substitute was rejected.

The question then being on the adoption of Mr. Drake's resolutions, Mr. OWENS moved their indefinite postponement; on which motion Mr. DRAKE demanded the

ayes and noes, which being taken, the vote stood as follows:

**AYES**—Messrs. Bush, D'Oench, Foster, Gilbert of Platte, Holcomb, Husmann, Linton, Martin, Morton, Newgent, Nixdorf, Owens, St. Gem, Switzler, Thilenius, Weatherby, Williams of Caldwell, and Mr. President—18.

**NOES**—Messrs. Bonham, Budd, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Esther, Evans, Filley, Fletcher, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hughes, Hume, King, Leonard, McKernan, McPherson, Peck, Smith of Mercer, Smith of Worth, Strong, Swearingen, and Williams of Scotland—30.

**ABSENT WITH LEAVE**—Messrs. Adams, Bunce, Davis of New Madrid, Gamble, Gilstrap, Grammer, Harris, Meyer, and Sutton—10.

**ABSENT WITHOUT LEAVE**—Messrs. Ellis, Green, and Rohrer—3.

**SICK**—Messrs. Bedford, Mack, Mitchell, and Rankin—4.

So the motion to postpone indefinitely was rejected.

The question then being on the adoption of Mr. Drake's resolution, Mr. FOLMSBEE demanded the ayes and noes thereon, which being taken, the vote stood as follows:

**AYES**—Messrs. Bonham, Budd, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Esther, Evans, Filley, Fletcher, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Hughes, Hume King, Leonard, McKernan, McPherson, Peck, Smith of Mercer, Smith of Worth, Strong, Swearingen, and Williams of Scotland—29.

**NOES**—Messrs. Bush, D'Oench, Foster, Gilbert of Platte, Holcomb, Holland, Husmann, Linton, Martin, Morton, Newgent, Nixdorf, Owens, St. Gem, Switzler, Thilenius, Weatherby, Williams of Caldwell, and Mr. President—19.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Gamble, Gilstrap, Grammer, Harris, Meyer, and Sutton—10.

**ABSENT WITHOUT LEAVE**—Messrs. Ellis, Green, and Rohrer—3.

**SICK**—Messrs. Bedford, Mack, Mitchell, and Rankin—4.

So the resolutions were adopted.

The motion of Mr. BONHAM, relative to the article on Declaration of Rights, being referred to the Engrossing Committee, preparatory to a third reading, was called up, and the motion was agreed to.

Mr. BUDD moved to adjourn, which motion was disagreed to.

On motion of Mr. OWENS, the Convention resolved itself into a Committee of the

Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. HOLDSWORTH reported that the Committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on the Legislative Department, but had come to no resolution thereon.

Mr. GREEN offered the following substitute for the article on Elections and Qualifications of Voters, Officers, and others, with a request that it be printed and made the special order for Friday next:

ARTICLE —.

*Elections, Qualifications of Voters, and others.*

SECTION 1. After the adoption of this Constitution, all general elections shall be held biennially, commencing on the Tuesday after the first Monday in November, A. D. 1866, and every two years thereafter, on Tuesday, before the first Monday of the same month: *Provided*, The General Assembly may, by law, prescribe a different day.

SEC. 2. Every white male citizen of the United States (except idiots, insane persons, and such as are disqualified in the third section of this article for disloyal practices and sympathies), who shall have attained to the age of twenty-one years, been a resident of this State one year, and of the county in which he offers to vote two months, next before an election, shall be entitled to be registered, and to vote at all elections.

SEC. 3. Persons who, since the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 186\_\_\_\_, shall have voluntarily engaged in war, rebellion, insurrection, or war-like array (or who, since said day, shall have voluntarily adhered to, openly sympathized with, or in any way aided, abetted, or encouraged others so engaged) against the military forces or loyal people of the United States, or of the State of Missouri, and persons who, after having voted at any election, shall have claimed protection of any foreign government, to secure exemption from any military draft, or from service in the militia forces of this State, are hereby disqualified to vote, hold office, serve on juries, teach in public schools, serve as judges or clerks of any election, or as an employee of any corporation in this State: *Provided, however*, That any such person who, after having committed the offenses aforesaid, shall have enlisted as a volunteer in the military service of the United States, or of this State, and served one year or more, and been thereafter honorably discharged, is hereby relieved against the disabilities hereinabove imposed.

SEC. 4. All elections shall be by ballot, and continue one day only, except that the votes of qualified electors, absent in the military service of the United States, or of

this State, shall be taken in any manner, on any day or days within twenty days before any election day, and returned in any time and manner, as the General Assembly may, by law, prescribe.

SEC. 5. The General Assembly shall have power to exclude from the privileges of an elector, or other privilege, any person who may have been convicted of bribery, perjury or other infamous crime.

SEC. 6. Electors, during attendance at elections, and in going to and returning therefrom, shall be privileged from arrest, in all cases except treason, felony, or breach of the peace.

SEC. 7. No person in the military, naval, or marine service of the United States, shall, by being stationed in any garrison, military or naval station within this State, be considered a resident of this State.

SEC. 8. For the purpose of preserving in purity the elective franchise to the loyal people, and of carrying into effect the provisions of this article of the Constitution, it shall be the duty of the General Assembly, before the next general election, to enact a uniform registration law, with such safeguards as will secure the registration of the qualified electors in every county, protect the ballot-box to loyal voters, and exclude therefrom the persons disqualified in section three of this article: *Provided*, That until such law shall have been enacted, elections may be conducted and returns made as now provided by law.

SEC. 9. After the first day of December, A. D. 1870, it shall be in the power of the General Assembly to provide, by law, for the admission to the privileges of an elector, such male persons of African descent (and no others) as were residents of this State on the 11th day of December, 1865, or as may thereafter have been born in this State, with such reasonable qualifications as they may, by law, prescribe: *Provided*, That any such law as the said General Assembly may thereafter enact for the purpose aforesaid, before it shall take effect, or be in force, shall, at the next general election after its enactment, be submitted to a vote of the qualified electors, and be by them ratified by a majority vote.

SEC. 10. It shall be the duty of the General Assembly, in addition to a registration law, to pass all such laws as may be found necessary to enforce the provisions of the several sections of this article, and especially the disqualifications imposed in the third section.

SEC. 11. \_\_\_\_\_ years after the restoration of peace between the Government of the United States and the States now in rebellion, the General Assembly shall have power to declare, by law, the third section of this article, in whole or in part, inoperative and void, with such discriminations as they may, by law, provide.

SEC. 12. Before any person shall hold any position, as an officer, or employee in any corporation, vote at any election, hold any office of honor, profit, or trust, serve as a

juror, judge, or clerk of any election, or teach in any public school in this State, he shall take and subscribe to the following constitutional oath:

I, A. B., do solemnly swear (or affirm) that since the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, I have never, voluntarily, engaged in war, rebellion, insurrection, or warlike array (nor have I since said day ever, voluntarily, adhered to, openly sympathized with, or in any way aided, abetted or encouraged others so engaged,) against the military forces or the loyal people of the United States, or of the State of Missouri; nor have I, since said day, having voted at any election, ever claimed the protection of any foreign government, to secure exemption from any military draft, or from service in the militia forces of this State. But since that day I have, at all times, faithfully adhered to my allegiance to the Government of the United States, and of the State of Missouri; I will

support, defend and protect the Constitution of the United States, and of this State, against all enemies or opposers, so help me God.

On motion of Mr. DRAKE, the usual number of copies of Mr. Green's substitute were ordered to be printed.

Mr. WILLIAMS of Caldwell moved that a committee of one from each Congressional District be appointed, to which shall be referred that part of the article on Legislative Department which relates to the ratios of representation, which motion was agreed to.

On motion of Mr. DRAKE, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## THIRTY-FOURTH DAY.

THURSDAY, FEBRUARY 16th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Messrs. GREEN and ROHRER excused themselves for being absent without leave, yesterday afternoon, on account of important personal business. On motion, they were excused.

Messrs. BEDFORD and MITCHELL stated that sickness caused their absence yesterday afternoon, and they were so recorded.

The President announced the following gentlemen as the Committee on the Apportionment of Representatives, in accordance with the motion of Mr. Williams of Caldwell, on yesterday:

First Congressional District—George P. Strong.

Second Congressional District—Isidor Bush.

Third Congressional District—A. M. McPherson.

Fourth Congressional District—A. Gilbert of Lawrence.

Fifth Congressional District—W. S. Holland.

Sixth Congressional District—J. Williams, Chairman of Committee.

Seventh Congressional District—D. Bonham.

Eighth Congressional District—M. P. Green.

Ninth Congressional District—J. H. Holdsworth.

Mr. WILLIAMS of Caldwell, Chairman of the Committee on Apportionment of Representatives, presented the following report:

Your Committee, to whom was referred the subject of apportionment of members of the House of Representatives, would respectfully report that they have unanimously agreed upon the following basis of representation, and recommend its adoption:

SECTION 2. The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, apportioned in the following manner, viz: The ratio of representation shall be ascertained at each apportioning session of the General Assembly by dividing the whole number of permanent inhabitants of the State by two hundred. Each county having one ration or less shall be entitled to one representative; each county having three times said ratio shall be entitled to two representatives; each county having six times said ratio shall be entitled to three representatives; and so on above that number, giving one additional member for every three additional ratios.

On motion, the report was received and ordered to be referred to the Committee of the Whole.

Mr. WILLIAMS of Caldwell asked leave of

absence for Mr. Ellis, in consequence of sickness in his family, which was granted.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. BUDD reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on the Legislative Department, but had come to no resolution thereon.

Mr. HUSMANN asked leave of absence for five days for Mr. Thilenius, on account of sickness in his family, which was granted.

Mr. PECK asked leave of absence for himself for five days, on account of sickness in his family, which was granted.

On motion of Mr. BONHAM, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. KREKEL presented a petition from loyal citizens of the counties of Montgomery, Pike, Audrain, and Lincoln, praying the formation of a new county from parts of said counties; which was read for information, and, on motion, referred to the Committee on Miscellaneous Provisions.

Mr. CLOVER offered the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to report forthwith an ordinance providing for the vacating of such civil offices as may be necessary to protect the loyal people of the State, and to harmonize the working of the State Government, and likewise to protect citizens from injury and harassment from prosecutions for acts done by them in support of the Government in the existing rebellion.

Mr. WILLIAMS of Caldwell moved the adoption of the resolution.

Mr. DRAKE moved to amend the resolution as follows:

Strike out all after the word "ordinance" and insert in lieu thereof the following: "Debarring jurisdiction to the courts of this State of any criminal prosecution against any person for any act by him done under military orders or authority since the first day of January, 1861."

Mr. FOLMSBEE moved that the resolution and amendment be referred to a committee of nine members—one from each Congressional District—whose duty it shall be to ascertain and report at the earliest moment the number of officers which should be removed in consequence of disloyalty, or being in sympathy with the rebellion.

Mr. FOLMSBEE withdrew his motion.

Mr. MACK moved that the Convention adjourn, which motion was rejected.

Mr. DRAKE withdrew his amendment to the resolution of Mr. Clover.

The question then being upon the adoption of the resolution of Mr. Clover, Mr. DRAKE demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Bonham, Bush, Clover, Davis of Nodaway, Dodson, D'Oeneh, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Green, Henderson, Holdsworth, Holland, Husmann, King, McKernan, McPherson, Mitchell, Newgent, Nixdorf, Rohrer, St. Gem, Smith of Worth, Swearingen, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—30.

NOTES—Messrs. Childress, Cowden, Drake, Esther, Gilbert of Platte, Harris, Holcomb, Hughes, Hume, Mack, Morton, Smith of Mercer, and Sutton—13.

ABSENT WITH LEAVE—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Ellis, Gilstrap, Grammer, and Peck—8.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Budd, Evans, Filley, Leonard, Linton, Martin, Owens, Strong, Switzler, and Weatherby—11.

SICK—Messrs. Fletcher, Meyer, and Rankin—3.

So the resolution was adopted.

On motion of Mr. DAVIS of Nodaway, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## THIRTY-FIFTH DAY.

FRIDAY, FEBRUARY 17th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. McKendrick.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. MARTIN reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on the Legislative Department, but had come to no resolution thereon.

On motion of Mr. STRONG, the Convention adjourned until half-past 2 o'clock P. M.

### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. DRAKE asked leave of absence for Mr. Martin till the 1st of March, which was granted.

Mr. MARTIN presented a petition from the loyal citizens of Montgomery county, praying for some measure of relief for losses

suffered at the hands of rebels and bushwhackers. The petition was read for information, and referred to the Committee on Miscellaneous Provisions.

Mr. FOSTER presented two petitions on the same subject, which were read, and referred to the Committee on Miscellaneous Provisions.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. SMITH of Mercer reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on the Legislative Department, but had come to no resolution thereon.

Mr. OWENS requested leave to record his vote on the resolution offered by Mr. Clover yesterday. Leave was granted, and he had his vote recorded in the negative.

Mr. STRONG asked the same privilege. Leave was granted, and he had his vote recorded in the affirmative.

On motion of Mr. FOLMSBEE, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## THIRTY-SIXTH DAY.

SATURDAY, FEBRUARY 18th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Dr. Eliot.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. BEDFORD reported that the committee had, according to order, had under consideration amendments to the Constitution, and

particularly the article on the Legislative Department, but had come to no resolution thereon.

Mr. SMITH of Mercer, Chairman of the Committee on the Loyalty of Members, presented the following report:

The Committee on Loyalty of Members have instructed me to report that no evidence of disloyalty on the part of any member has been produced to them, except in the case of Mr. Thomas B. Harris, of Callaway county. Having carefully weighed the evi-

dence against him, and having listened with patience and consideration to his defense, your committee are of the opinion that Mr. Harris is disloyal, and not entitled to a seat on this floor. The committee do therefore recommend that Mr. Harris be forthwith expelled from this body.

K. G. SMITH, *Chairman.*

On motion of Mr. DRAKE, the report and accompanying papers were recommitted to the select committee, with instructions to receive any additional evidence which Mr. Harris may desire to present.

The President caused to be read an invitation from the Union Merchants' Exchange of St. Louis, to the members of the Convention, to attend a dinner on Tuesday evening next.

On motion of Mr. BUDD, the invitation was accepted.

On motion of Mr. FOSTER, the Convention adjourned till Monday morning next, at half-past 9 o'clock.

## THIRTY-SEVENTH DAY.

MONDAY, FEBRUARY 20th, 1865.

Convention met pursuant to adjournment, the Vice President in the chair.

Prayer by Rev. Mr. Paige.

Mr. BUDD submitted the following memorial, to be presented to the Congress of the United States, asking the construction of the Southwest Branch of the Pacific Railroad as a military necessity; which was read for information, and, on motion of Mr. BOXHAM, referred to the Committee on Internal Improvements:

*Memorial to the Congress of the United States, asking the construction of the Southwest Branch of the Pacific Railroad, as a military necessity.*

By an act of Congress, entitled "An act granting the right of way to the State of Missouri, and a portion of the public land, to aid in the construction of certain railroads in said State," approved June 10th, 1852, this State obtained one million of acres of the public lands, to aid in the construction of a railroad from St. Louis to the western border of the State, and these lands were appropriated by the State to construct said road, by applying them to the building of the road from St. Louis to Franklin, and thence, by what is called the Southwest Branch of the Pacific, to the western border of the State. One hundred and thirteen miles have been built, but their means becoming exhausted, and being unable to sell the lands at such prices as they should command, they have not been able to command the means to make any further progress. Could the road be completed through these lands, it is believed that the lands would very nearly pay the cost of construction, and if constructed, it would be of great advantage to the Government of the United States, in a military point

of view, and would save to the Government much money in the cost of transportation.

Your memorialists will further report, that the southwestern portion of our State has been devastated every year since the rebellion began; that its inhabitants have been murdered, and driven from their homes and lands; that this portion of the State is now the property, in part, of helpless widows and orphans of murdered Union men; that the State has had, in a great measure, to relieve it from taxation, and that anything Congress should do for this portion of Missouri, would be serving the best interests of the Government, and taking care of the widows and orphans of those brave and good men who have given up their lives for their country. The heart sickens in contemplating the ruthless destruction that has been visited on this portion of our people—the monuments of chimneys, left to point where was once the happy home of a Union family, and the wails; the effect of persecution and suffering, which come up to us from this quarter of the State, should, in the judgment of your memorialists, command from the Government its every effort to give them some relief. The construction of this road would soon render this portion of the State again safe to live in. It would advance the value of the lands of the widows and orphans, who have now no homes, and they might be able to sell a portion of their property to rebuild their burnt houses, and purchase farming utensils and stock.

We believe, if the Government would build the road on condition the lands granted should be ceded back to the United States, that after the road was built the sales of the lands would go far toward reimbursing the Government, and would, perhaps, wholly pay the cost of construction.

In view of all the circumstances, we earnestly urge the Government to construct this road, and that the legislation required to construct it may be had at this session of Congress.

Mr. GILBERT of Platte presented a remonstrance from citizens of Platte county, against the removal of the county seat of said county, which, on motion of Mr. GILBERT, was read for information, and referred to the Committee on the Judicial Department.

Mr. MORTON asked leave of absence for Mr. Gilbert of Platte during this week, which was granted.

Mr. SMITH of Worth offered the following article on Jurisprudence, which was read the first and second time, and referred to the Committee on the Judicial Department.

#### ARTICLE —.

##### *Jurisprudence.*

SECTION 1. The General Assembly, at its first session, shall provide for the appointment of three commissioners, and prescribe their tenure of office, compensation, and the mode of filling vacancies in said commission.

SEC. 2. The said commissioners shall revise, reform, simplify, and abridge the practice, pleadings, forms, and proceedings of the courts of record of this State, and, as far as practicable and expedient, shall provide for the abolition of the distinct forms of action at law, now in use, and for the administration of justice by a uniform mode of proceeding, without reference to any distinction between law and equity.

SEC. 3. The proceedings of the commissioners shall, from time to time, be reported to the General Assembly, and be subject to the action of that body.

Mr. HOLLAND moved that a committee of five be appointed, to whom shall be referred the thirteenth and fourteenth sections of the act for the organization and government of the Missouri militia, passed by the General Assembly at its present session.

After debate, Mr. HOLLAND withdrew his motion.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. DAVIS of Nodaway reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the

article on the Legislative Department, but had come to no resolution thereon.

The PRESIDENT caused to be read a communication from the Governor of Delaware, relating to the amendment to the United States Constitution prohibiting slavery in the United States, which was read for information, and, on motion, laid on the table.

On motion of Mr. DAVIS of Nodaway, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. WILLIAMS of Caldwell offered the following resolution, and moved that it be referred to a special committee:

*Resolved*, That when this Convention adjourns this day, it shall stand adjourned till Friday next at half-past 9 o'clock A. M., when it shall meet in the Hall of Representatives at the city of Jefferson.

Mr. GREEN offered the following amendment to said resolution:

Amend by striking out "Friday next," and inserting, in lieu thereof, "the first Wednesday in April next."

Mr. WEATHERBY moved that the committee report at 5 o'clock p. m., this day.

Mr. WEATHERBY withdrew his motion.

Mr. ST. GEM moved that the committee report on Wednesday morning next at 10 o'clock, which motion was rejected.

Mr. WILLIAMS of Caldwell moved that the committee consist of five members.

Mr. HUSMANN moved the committee be increased to nine, which was accepted by Mr. Williams of Caldwell, and on motion, the resolution was adopted.

The PRESIDENT appointed the following gentlemen as such committee: Messrs. Williams of Caldwell, Drake, Green, Newgent, St. Gem, Mack, Bedford, Morton, and Husmann.

On motion of Mr. HOLLAND, the Convention resolved itself into a Committee of the Whole to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. FOLMSBEE reported that the committee had, according to order, had under consideration amendments to the Con-

stitution, and particularly the article on the Legislative Department, but had come to no resolution thereon.

Mr. CLOVER, Chairman of the Committee on the Judicial Department, submitted the following report, accompanied by an ordinance providing for the removal of certain officers:

The Committee on the Judiciary Department of the Government, to whom was referred the resolution instructing the committee to report an ordinance providing for the vacating of such civil offices as may be necessary to protect the loyal people of the State, and to harmonize the working of the State Government, and likewise to protect citizens from injury and harassment from prosecution for acts done by them in support of the Government in the existing rebellion, respectfully report the accompanying ordinance.

The committee deem themselves at liberty to preface the ordinance which they report in obedience to the instructions given them, with some remarks in explanation and statement of the reasons which have led them to the conclusion at which they have arrived.

The resolution of instruction embraces, it will be seen, two distinct and independent positions: first, the vacating of certain civil offices of the State; and second, the protection of citizens from injury and harassment, from prosecutions for acts done by them in the support of the Government in the existing rebellion.

As the two propositions are embraced in a single resolution, so have the committee thought fit to embrace the two subjects in a single ordinance, not deeming it well to propose two ordinances when one could accomplish both objects, or desiring to overload the work of the Convention with repeated instances of distinct constitutional action where the same was not, in the opinion of the committee, absolutely necessary.

The resolution of instruction does not declare what, or what number, of civil offices of the State, in the opinion of the Convention, it is necessary to vacate, in order to protect the loyal people of the State and to harmonize the working of the State Government; wherefore, the committee are left to exercise their own best judgment in the matter, and to report their views in the premises, leaving it to the Convention to adopt, in whole or in part, the report of the committee, or indeed to wholly reject the same.

Two ideas are potently presented in the resolution upon this subject, namely, the protection of the loyal people of the State, and harmony in the working of the State Government, after the very fundamental and extensive changes in our governmental system, which were undoubtedly to be produced by the action of the Convention. Two matters the Convention is unquestionably

called upon to perform, viz: the emancipation of the slaves in the State, and the preservation in purity of the elective franchise to the loyal citizens; and the two other matters of protection to the loyal people of the State, and harmony in the working of the State government, ought, in the opinion of the committee, and it appears likewise of the Convention, to follow upon these.

If the Judicial Department of the State Government, throughout and in detail, be not in unison and harmony with the executive and legislative departments, then, in the opinion of the committee, the working of the social system will be harsh, discordant and indeed incapable of efficient and beneficial result—and thereby likewise may follow injustice, oppression and wrong to the citizens of the State.

It may not be improper or useless for this committee to prefer the statement of the fact, that this State has undergone for the past four years, and is still undergoing, the most terrible social and political revolution, and the action of this Convention is not to be measured and regulated by the standard of ordinary and normal times. Our State is in an abnormal condition, produced not by its friends and supporters, but by those who would seek its ruin and destruction; wherefore, are we to be governed by the rules of conduct and legislation which should prevail in ordinary times?

In consideration of this condition of things in the State, and without entering into a detail of them, the committee is of opinion that, to harmonize the working of the State Government in all its departments, it is necessary to vacate throughout, and in detail, all the judicial offices in the State.

The committee see fit to point their views in this respect with illustration. The Convention has already enacted an ordinance emancipating slaves in the State. Should the Judicial Department of the State Government be held at liberty to impeach the entire lawfulness of this act of the Convention? Property in man exists, and has always heretofore been recognized in the State, and if rightfully existing at one time, may always rightfully exist.

The Convention, or the majority of the people, have no right or lawful authority to deprive a citizen of property without compensation, not even pretended to be taken for public use. The right or authority so to do is denied in the very nature of the social contract. Upon this plea the lawfulness of this act of the Convention may be denied by the judges. Should it be so permitted, if it can be prevented?

Again, the Convention has considered the measure of preserving in purity the elective franchise, and, in so doing, to disfranchise the rebel and rebel sympathizer. Shall the effect of this measure be allowed to be frittered away by unfavorable and hostile construction and interpretation of term and phrase?

The committee had no difficulty whatever in carrying their views, as to the vacating of offices, to the extent thus far indicated. They have felt warranted by such considerations as these, as well as by the general idea of securing protection to the loyal people of the State, through this the chief safeguard of the rights and liberties of the people, to report in favor of a general vacating of all judicial offices in the State, and the filling of them anew.

The committee are well aware that a large proportion of the administrators of the law throughout the State are earnest, determined and loyal men, fitted, in every respect of the times and the places, for the harmonious uniting in the conduct of the State Government at the present time; and they would have been glad to be able to make distinction in the operation of their report, but this they have been unable to do.

The committee, however, have gone further, and their reported ordinance makes provision for the vacating, likewise, of the offices of the clerks of the several courts of record in the State. The justification and the necessity of this provision are, in the opinion of your committee, to be found in the fact that the election for clerks of the different courts occurred at a date generally prior to the outbreak of the present rebellion, and when the issue of loyalty or disloyalty on the part of the incumbents of those offices could not be made; and especially and particularly in the further fact that, in the cases of not a few of the incumbents of those offices, they are generally, and indeed universally, regarded by all loyal men, in any degree acquainted with their character, as indisputably hostile to the Government in its present crisis. If this be so, and the committee believe it to be so, what an extraordinary and unjustifiable state of things is thereby shown. That it should be endured seems passing strange—that a man, an enemy to his country, and wishing and seeking its destruction, actively so, should be allowed to draw profit from and grow rich upon the income of a public office, the revenues of which are derived from taxes paid by loyal men.

The committee are happy to believe, indeed to know, that these remarks can apply to but few of the class of men named. The mere fact, however, that some such cases as are mentioned do exist, constitutes, in the opinion of the committee, full justification for their action.

The committee, however, in the progress of their work, have here arrived at a point where they have felt the greatest difficulty existed; that is to say, in the matter whether the vacating of the civil offices should extend further than they have already declared, and upon this point there exists diversity of opinion among them, which can only be settled by the action of the Convention itself. Upon the most careful and anxious consideration the undersigned members of the Committee have been able to give the subject, it is not, in their opinion, wise to extend the

provisions of this ordinance further than to the offices they have named in their report, the incumbents of which are so intimately connected with the administration of the Judiciary Department of the Government.

The committee feel, with its full force, the suggestion which has been made by members of the Convention, that in some instances, in particular parts of the State, disloyal men were elected by the people, as recently as November last, to fill the very important office of sheriff, as well as other offices in some of the counties. And the committee incline to the opinion that such may have been the case, for if a single county elected to the General Assembly a member whom that loyal body has thought fit, as we suppose, upon competent and full proof, to declare disloyal and unfit for membership in a loyal body of men, it would seem to them to warrant the belief that the same result may have been produced in the cases of other persons occupying other offices; and the committee have likewise felt the force of the other suggestion, that loyal districts have not needed, and do not need, protection in this way; that it is the loyal citizens in the disloyal districts—fortunately, it is true, at the present time but few in the State—who can specially claim the exertion of our prerogative for their benefit and protection.

While the committee would have been willing to attempt a remedy for this condition of things, if entirely practicable, yet, as clearly, in their opinion, this could not be done without applying it as a general rule to all of the classes of offices referred to, and as the evil is of a partial and temporary character, existent only for a limited period—and with the opportunity, as the committee sincerely hope, offered the people aggrieved, themselves to remedy the unfortunate state of things at the next occurring election, beyond the possibility of the same evil recurring, and this through the efficient working of the new Constitution, in the disfranchising of rebels and rebel sympathizers—the committee have concluded to here stop.

It is not to be denied that the ordinance reported by this committee is liable to the objection, that thereby an extraordinary amount of patronage and power is lodged in the hands of a single citizen of the State, in the fact that all the offices proposed to be vacated are to be filled by the appointment of the Executive.

The committee have considered this matter with the seriousness which it requires, and with the distrust which they naturally feel in vesting any one man with so great a power, and the dislike they entertain of depriving the people, in the smallest degree or for a limited time, of the right, which they unquestionably possess, of being permitted to choose their own servants and magistrates. But the committee have felt that it would be entirely impracticable to fill the offices which, in their opinion, it is necessary to vacate, in order to protect the

loyal people and in order to harmonize the working of the State government, by popular elections, at the present time. And in the matter of the filling of the vacancies so created, the committee have not felt themselves at liberty to doubt that the Executive, in the filling of them, will feel himself in all instances bound to recognize and to ratify the voice of the people in all loyal districts, and as to all loyal men, as it shall be clearly manifested and declared unto him. Upon this subject they can entertain no doubt whatever.

Finally, upon this point, while the committee feel that the change in the entire judicial system of the State, as proposed, is of a most striking and radical character, undoubtedly not to be done in ordinary times upon such considerations as are stated in their report, and not to be tolerated under the idea of performance for mere partisan purposes, yet, in view of the grave character of the measure, and fully regarding the condition of our State, the new system of fundamental law upon which, as a people, we are entering, the great and sudden change from the old to the new, and likewise believing that a decent respect for the opinions of the whole political community should be observed, they are of opinion that the course which they have recommended will be justified by candid opinion, not only in the present time, but with posterity.

The committee now come to the consideration of the second subject embraced in the resolution of instruction, to-wit: the protection of citizens from injury and harassment from prosecutions for acts done by them in the support of the Government in ordering the present rebellion. Upon this subject, so important and interesting in its nature, the committee have entertained no difficulty whatever.

As before remarked, the unexampled nature and condition of affairs which have prevailed in the State since the rebellion, and are now existing, in the opinion of the committee, leads to the necessity and points to the wisdom of the action which they have recommended.

Not only has civil war actively raged in the State, between the citizens thereof, but martial law, for a time nearly coexistent with that war, has been imposed and enforced upon us by a superior jurisdiction to our own—that of the Government of the United States.

The committee apprehend that no loyal man has questioned the lawfulness, if such a term may be used in such connection, of this condition of affairs, however much all may be disposed to regret the necessity of its being instituted and enforced, or continued. If this condition of affairs—the prevalence of martial law—has produced inconvenience and detriment, and, it may be, particular cases of oppression and wrong, on the other hand, it cannot be denied that it also has produced the most beneficial and salutary results. That it has been the means, in a large degree,

of preserving peace, order, and quiet throughout the State; that it is, this very day and hour, promoting the peace and safety of the citizen, the almost unanimous vote of this Convention, had but a few days ago, protesting against its abrogation, witnesses and attests.

And what is this law, called martial law? The Convention knows that it is the abrogation of the civil law, and the substitution therefor of simply the will of the military commander. Disguise it as we may, this is the simple and true definition of the law denominated martial. This power, since its institution in this State, has suppressed newspapers; has stopped, as well as regulated commercial intercourse; has seized property; has punished, by its own law, the citizen; has controlled the courts; has forbidden the institution or prosecution of suits, has imprisoned the person of the suitor, has instructed the judge; has entered houses; has taken household furniture, has sold the same, has made title thereto, has appropriated the proceeds thereof—not the property of citizens actually engaged in war, but of those who were simply disloyal and disaffected; has levied assessments, collected monies, imprisoned, banished, and put to death. All this is utterly incompatible with the ordinary and usual workings of civil government.

This has been done and is being done in palpable and direct violation of the plainest principles of the Constitution which we are amending, and which principles we are retaining in our new work. It has been done, not through the medium of courts of justice, not through the intervention of a jury, not by the judgment of the peer, not by the law of the land, but in the opinion of the committee it has been necessarily done. This condition of affairs has been brought about by no fault of the loyal people of the State.

The exercise of martial law, therefore, is utterly subversive of civil law, wherever the two come in conflict. It is true that civil organism has been permitted and encouraged in this State wherever it could be safely done, but in portions thereof, to this hour, there exists no law worth mentioning the name of, except the law military. The committee deeply regret this condition of things, and trust that the hour is not far distant when we may be safely restored to a better condition of things; but it is only a few months since our State was traversed from the south-eastern border to its western line by a host of invading foes.

And the question recurs, shall all the matters which the committee have spoken of be drawn into controversy and adjudication by the civil or criminal courts of the land now, or when martial law shall in the future be abrogated and annulled? In the opinion of the committee it would not be the part of wisdom to have this be.

The officer of the United States Government, acting in willful and wanton violation of his duty to the Government and to the

citizen, should unquestionably meet with speedy and proper punishment for his offense, and if he can not be reached by the civil law, ought to be punished by that Government, not only in the way of penalty for the offense, but redress likewise to the injured individual.

In all times of peace, and even of war, where practicable, the military should be held subordinate to the civil authorities, and the committee are anxious to assert that for acts of wanton and willful violation of private rights neither the citizen or soldier can be exempt under the plea of justification by military necessity. The committee trust that the cases are but few, indeed, where such qualities of acts can be shown to exist, but in the large class of acts done without any justification or sanction of law whatever; but, nevertheless, in the emergency of the times, rightfully done, these acts, in the opinion of the committee, can not, will not be permitted to and should not be drawn into adjudication according to the principles of civil law by the civil courts.

Upon what safe principle can the judge of a civil court decide upon the quality of such acts? He can only declare the law, and seeing no legal justification or excuse, he can only pronounce the judgment of the law. He can not make the law and say what, in his opinion, the law should be in a given state of facts. He can not say that a man ought to be justified, excused, or indemnified, and exonerated by reason of a just motive and a good result to the State, however detrimental to the individual affected.

The committee make reference to the highest authority in speaking of indemnity to the individual for damages sustained by him in a war, as declaring the general rule governing such cases.

Says Vattel, in treating of the question whether the State be bound to indemnify individuals for the damages they have sustained in war:

"The damages are of two kinds, those done by the State itself, or the sovereign, and those done by the enemy. Of the first kind, some are done deliberately, and by way of precaution, as, when a field, a house, a garden, belonging to a private person, is taken for the purpose of erecting on the spot a town rampart, or any other piece of fortification; or when his standing corn are destroyed, to prevent their being of use to the enemy. Such damages are to be made good to the individual, who shall bear only his quota of the loss. But there are other damages, caused by the artillery, in retaking a town from an enemy. These are merely accidents; they are misfortunes which chance deals out to the proprietors on whom they happen to fall. The sovereign, indeed, ought to show an equitable regard for the sufferers, if the situation of his affairs will admit of it, but no action lies against the State for misfortunes of this nature, for losses which she has occasioned, not willfully, but through necessity, and by mere

accident, in the exertion of her rights. The same may be said of damages caused by the enemy. All the subjects are exposed to such damages, and woe to him on whom they fall. The members of a society may well encounter such risk of property, since they encounter a similar risk of life itself."

Modified as this law should be by regard to the circumstances of modern warfare, the condition of things prevailing, especially in civil war, the character of the country and the people, the committee deem all such acts as they have spoken of, as coming within the general rule of acts authoritatively done by the State in the exercise of her rights, to the maintenance of her existence as a sovereign and integral nation. And the principle asserted by the committee is thought to be a safe one, when it is regarded that war hath its rules of action, as hath peace.

The committee likewise refer to the fact that the action recommended by them in this particular finds support in the action taken by our progenitors in the troublous times existing at the period of our revolutionary history. It may gratify the curiosity as well as instruct the minds of legislators at the present day, to reproduce, from the musty folios of the past, the work of legislation on this subject as performed by our ancestors, and particularly by the then good people of the good old commonwealth frequently styled the "Old Dominion."

On a very cursory examination, the committee are enabled to produce the following enactments of the General Assembly of Virginia, and doubt not that a more extended examination of the statutes of the several States composing the original thirteen, in their revolutionary existence, will afford very numerous instances of this kind and measure of legislation:

*"An act for indemnifying the Governor, and Council, and others, for removing and confining suspected persons during the late public danger."*

WHEREAS, On the late appearance of a hostile fleet in the Bay of Chesapeake, a large body of militia were collected and arrayed; and to prevent the dangerous consequences which might have been produced by a communication of intelligence to the enemy, it became necessary for the Governor and Council, for the public safety, to remove and restrain, during the imminence of the danger, at a distance from the posts and encampments of the said militia, and from other places near the posts and harbors of this Commonwealth, certain persons whose affections to the American cause were suspected, and more especially such as had refused to give assurance of fidelity and allegiance to the Commonwealth, according to the act of the Assembly for that purpose made and provided; and it may happen that some of the said persons so removed and restrained may be disposed to vex with actions at law those who were concerned in

advising, issuing or executing the orders for that purpose:

*"Be it therefore enacted by the General Assembly,* That the Governor, members of the Council, and all others concerned in advising, issuing or executing the said orders for the removal or restraint of such persons, stand indemnified and clearly exonerated from all actions, suits and damages on account thereof, and that if any action or suit should be brought by or on behalf of any person so removed or restrained, for the recovery of damages for such removal or restraint, against any person or persons so indemnified, the defendant or defendants may plead the general issue, and give this act in evidence." — *Cap. vi of acts of the General Assembly of Virginia, Anno. 1777.*

*"An act to indemnify certain persons in suppressing a conspiracy against this State.*

*"I. WHEREAS,* Divers evil disposed persons, in the year one thousand seven hundred and eighty, formed a conspiracy, and did actually attempt to levy war against this commonwealth; and it is represented to the present General Assembly that William Preston, Robert Adams, junior, James Callaway and Charles Lynch, and other faithful citizens, aided by detachments of volunteers from different parts of the State, did, by timely and effectual measures, suppress such conspiracy: and, whereas, the measures taken for that purpose may not be strictly warranted by law, although justifiable from the imminence of the danger;

*"II. Be it therefore enacted,* That the said William Preston, Robert Adams, junior, James Callaway and Charles Lynch, and all other persons whatsoever concerned in suppressing the said conspiracy, or in advising, issuing or executing any orders or measures taken for that purpose, stand indemnified and exonerated of and from all pains, penalties, prosecutions, actions, suits and damages on account thereof; and that if any indictment, prosecution, action or suit shall be laid or brought against them, or any of them, for any act or thing done therein, the defendant or defendants may plead in bar, or the general issue, and give this act in evidence." — *Cap. xv of acts of the General Assembly of Virginia, Anno. 1782.*

The committee report the following ordinance. CLOVER, for the Committee.

**AN ORDINANCE PROVIDING FOR THE VACATING OF CERTAIN CIVIL OFFICES IN THE STATE, FILLING THE SAME ANEW, AND PROTECTING THE CITIZENS FROM INJURY AND HARASSMENT.**

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:*

**SECTION 1.** That the offices of the judges of the supreme court, circuit courts, county courts, and all special courts of record in the State, and of the clerks of all said courts, and of all county recorders, and of circuit attorneys and their assistants, be and the

same are hereby vacated on the — day of —, 1865, and the Governor of the State is hereby empowered and directed to fill all said offices, so vacated, by his appointment; and the persons so by him appointed to fill said offices respectively, shall hold the said offices in the same manner, and with the same authority, and to the same extent, as the respective incumbents of said offices at the present time are by law authorized to do; and the said persons when so appointed shall hold the offices to which they may be appointed for the term and period, and under the same conditions and qualifications, as the present incumbents of said offices now respectively hold and enjoy the same.

**SEC. 2.** No court or officer in this State shall take or retain cognizance of any civil action, or criminal proceeding against any person for, or on account of, any act by him done, performed or executed, after the first day of January, one thousand eight hundred and sixty-one, by virtue of military authority vested in him by the Government of the United States, or that of this State, to do such act, or in pursuance of orders received by him or them from any person vested with such authority, and if any action or proceeding be brought or instituted against any person for the doing of any such act, the defendant may plead in bar thereof, and give this ordinance in evidence.

On motion of Mr. DRAKE, the report was received, and Mr. Drake moved that five hundred copies of the report be printed in pamphlet form, and two hundred copies of the accompanying ordinance be printed in the usual form.

Mr. BONHAM moved to amend by inserting "two thousand" copies of the report, instead of "five hundred," which was accepted by Mr. Drake.

The motion, as amended, was agreed to.

Mr. HUGHES moved that the ordinance presented by Mr. Clover be made the special order of the day for Monday next.

Mr. STRONG moved that it be made the special order for Wednesday next.

The question being upon the longest time (Monday), Mr. HUSMANN demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Clover, Cowden, Davis of Nodaway, Drake, Esther, Filley, Folmsbee, Gilbert of Platte, Harris, Hughes, Hume, King, Leonard, Linton, Mack, Mitchell, Rankin, Smith of Mercer, Switzer, Williams of Scotland, and Mr. President —22.

**NOES**—Messrs. Bonham, Bush, Childress, Dodson, D'Oench, Fletcher, Foster, Gamble, Gilbert of Lawrence, Green, Henderson, Holdsworth, Holland, Husmann, McKernan, McPherson, Morton, Newgent,

Nixdorf, Rohrer, St. Gem, Smith of Worth, Strong Sutton, Swearingen, Weatherby, and Williams of Caldwell—27.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Ellis, Fulkerson, Grammer, Martin, Owens, Peck, and Thilenius—11.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Evans, Gilstrap, and Holcomb—4.

**SICK**—Mr. Meyer—1.

So the motion was rejected.

Mr. STRONG's motion, that the ordinance be made the special order for Wednesday next, was then adopted.

Mr. MACK, Chairman of the Committee

on Internal Improvements, presented the following report on the memorial to Congress of the United States, asking the construction of the Southwest Branch of the Pacific railroad, as a military necessity:

Your committee beg leave to report that they have had said memorial under consideration, and recommend the adoption of the same by this Convention.

On motion of Mr. BONHAM, the report was received and adopted.

On motion of Mr. GREEN, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## THIRTY-EIGHTH DAY.

TUESDAY, FEBRUARY 21st, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Dr. Nelson.

Mr. WILLIAMS of Caldwell, chairman of the special committee appointed yesterday, on the proposition to remove the sitting of the Convention to Jefferson City, made the following report:

The committee to whom was referred the resolution on adjourning to Jefferson City, and the amendment moving a recess of thirty days, report that they have had the matter under consideration, and a majority of said committee respectfully report adversely to the resolution and the amendment, believing that the interest of the people of this State, and the objects for which this Convention was called, will be best attained by remaining in steady session at our present place of meeting.

All of which is respectfully submitted.

Mr. BONHAM offered the following resolution:

*Resolved*, That Mr. St. Gem be expelled from this Convention, for inciting persons to enter the hall of this Convention, and, Cromwell-like, dissolve this Convention.

Mr. ROHRER moved to lay Mr. Bonham's resolution on the table.

On which motion, Mr. DRAKE demanded the ayes and noes.

Mr. ROHRER withdrew, temporarily, his motion to lay Mr. Bonham's resolution on the table.

After debate, Mr. ROHRER renewed his motion to lay on the table.

On the motion to lay the resolution on the table, the ayes and noes were demanded, and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Bush, Cowden, Dodson, D'Oench, Evans, Fletcher, Foster, Gilstrap, Green, Henderson, Holcomb, Hughes, Husmann, King, Linton, McKernan, McPherson, Morton, Newgent, Nixdorf, Rohrer, Switzler, and Williams of Caldwell—24.

**NOES**—Messrs. Bonham, Budd, Childress, Clover, Davis of Nodaway, Drake, Esther, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Harris, Holdsworth, Holland, Hume, Mack, Mitchell, Peck, Rankin, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, and Mr. President—26.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Ellis, Gilbert of Platte, Grammer, Martin, Owens, and Thilenius—10.

**ABSENT WITHOUT LEAVE**—Messrs. Leonard, Smith of Mercer, and Williams of Scotland—3.

**EXCUSED FROM VOTING**—Mr. St. Gem—1.  
**SICK**—Mr. Meyer—1.

So the resolution was not laid on the table.

Mr. BUSH moved to refer the resolution to the Committee of the Whole.

Pending which, Mr. DRAKE offered the following as a substitute for Mr. Bonham's resolution, which was accepted by Mr. Bonham:

WHEREAS, In a report contained in the *Daily Missouri Democrat* of the 20th inst., there appeared what purports to be an account of a public meeting held at Turner Hall, in the city of St. Louis, on the 18th inst., in which account there is what purports to be a report of a part of a speech made by Gustavus St. Gem, a member of this body, in the following words: "I do not believe that they (the Convention) will dare to refuse to submit that Constitution, or at least those portions thereof that were not discussed before the people at the recent general election—they will not refuse to submit those portions to the voice of the people; but if the whole Constitution should be submitted in such an obnoxious form, they may cause the whole thing to be defeated, and defeat the measures that the people of Missouri cheerfully voted for at the recent election—the emancipation of the slaves, and the disfranchisement of traitors and their sympathizers. Therefore, I do rejoice to see that your demonstration is so vigorous here to-night, and I am informed that your petition is of such a magnitude that you can walk up to the hall of that Convention like the barons of old, and force upon that Convention to submit to proper measures, as those barons did upon King John of England. *And if they don't do it, I hope that there will be a spirit that will have the force of a Cromwell, and walk up in those halls and dissolve that long Parliament;*" and whereas, the said Gustavus St. Gem has, on the floor of this Convention, admitted that he did, on that occasion, use the words aforesaid:

*Resolved*, That the said Gustavus St. Gem, for the use of said words at said meeting, deserves the censure of this body.

Mr. CLOVER moved that the resolution be referred to a select committee of five.

Mr. FOSTER offered the following as a substitute for the preamble and resolution of Mr. Drake:

*Resolved*, That the explanation of Mr. St. Gem—to the effect that he used the words "in a Cromwell-like manner," and other words of like character, at the meeting in Turner Hall on Saturday night last, as expressive of moral force—be accepted as satisfactory by this Convention.

Mr. HOLLAND demanded the previous question; on which, Mr. DRAKE demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Bedford, Bonham, Budd, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Esther, Evans, Filley, Fletcher, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Green, Harris, Henderson, Holdsworth, Holland, Hughes, Hume, King, McPherson, Mack, Mitchell, Morton, Newgent, Peck, Rankin, Smith of Worth, Strong, Swearingen, Weatherby, Williams of Caldwell, and Mr. President—51.

NOES—None.

ABSENT WITH LEAVE—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Ellis, Gilbert of Platte, Grammer, Martin, Owens, and Thilenius—10.

ABSENT WITHOUT LEAVE—Messrs. Leonard and Smith of Mercer—2.

SICK—Mr. Meyer—1.

EXCUSED FROM VOTING—Mr. St. Gem—1.

So the previous question was sustained.

The question then being on Mr. CLOVER's motion to refer the resolution of censure to a select committee of five, Mr. DRAKE demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Budd, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Evans, Filley, Fletcher, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Green, Harris, Henderson, Holdsworth, Holland, Hughes, Hume, King, McPherson, Mack, Mitchell, Morton, Newgent, Peck, Rankin, Smith of Worth, Strong, Swearingen, Weatherby, Williams of Caldwell, and Mr. President—35.

NOES—Messrs. Bedford, Bonham, Bush, D'Oench, Drake, Esther, Foster, Holcomb, Husmann, Linton, McKernan, Nixdorf, Rohrer, Switzler, and Williams of Scotland—9.

ABSENT WITH LEAVE—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Ellis, Grammer, Martin, Owens, and Thilenius—9.

ABSENT WITHOUT LEAVE—Messrs. Leonard, Smith of Mercer, and Sutton—3.

EXCUSED—Mr. St. Gem—1.

SICK—Mr. Meyer—1.

So the motion to refer the resolution to a select committee was adopted.

The PRESIDENT appointed the following gentlemen as such committee: Messrs. Clover, Williams of Caldwell, Newgent, Foster, and Linton.

Mr. BUDD, Chairman of the Engrossing Committee, reported that the article on the Declaration of Rights had been truly engrossed, and submitted the same.

Mr. WILLIAMS of Caldwell presented a protest and resolutions from citizens of St. Louis, upon the action of the Convention, relative to the entire revision of the Constitution, which was received, read for information, and laid upon the table.

On motion of Mr. BEDFORD, the Convention adjourned until half-past 2 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. WILLIAMS of Caldwell asked leave of absence for one week, in consequence of sickness in his family. Leave was granted.

Mr. FOLMSBEE moved to suspend the rules in order to take up the protest which was presented this morning by citizens of St. Louis.

Mr. BONHAM demanded the ayes and noes thereon; which being taken, the vote stood as follows:

**AYES**—Messrs. Bonham, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Evans, Folmsbee, Gilbert of Lawrence, Henderson, Holdsworth, Hume, Linton, McPherson, Mack, Mitchell, Peck, Smith of Mercer, Smith of Worth, Strong, Sutton, Weatherby, and Williams of Scotland--23.

**NOES**—Messrs. Bedford, Clover, D’Oench, Esther, Foster, Fulkerson, Gamble, Gilstrap, Green, Holcomb, Holland, Husmann, King, McKernan, Morton, Newgent, Nixdorf, Rankin, St. Gem, Swearingen, Switzer, Williams of Caldwell, and Mr. President--23.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Ellis, Gilbert of Platte, Grammer, Harris, Martin, Owens, and Thilenius—11.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Bush, Filley, Fletcher, Hughes, Leonard, and Rohrer—7.

SICK—Mr. Meyer—1.

So the motion to suspend was rejected.

On motion of Mr. DRAKE, the article on Declaration of Rights, as reported back from the Engrossing Committee, was taken up and put upon its third reading.

Mr. GILSTRAP offered the following amendment :

Amend by striking out the third section.

On which Mr. GILSTRAP demanded the ayes and noes.

Mr. BUSH offered the following as a substitute for the Declaration of Rights, reported by the Engrossing Committee, and moved that it be made the special order for next Monday:

ARTICLE —.

*Declaration of Rights.*

(The amendments are printed in *Italics*.)

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare:

**SECTION 1.** That all political power is vested in, and derived from, the people.

**SEC. 2.** That the people of this State have

the inherent, sole, and exclusive right of regulating the internal government and police thereof; and of altering and abolishing their constitution and form of government whenever it may be necessary to their safety and happiness.

**SEC. 3.** That this State shall ever remain a member of the American Union, and that the people thereof are a part of the people of the United States; that all attempts to dissolve said Union ought to be resisted with the whole power of the State; that every citizen owes paramount allegiance to the constitution and government of the United States; that no law or ordinance of contravention or subversion thereof can have any binding force.

**SEC. 4.** That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance; and that their right to bear arms in defense of themselves and of the State can not be questioned.

**SEC. 5.** That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can be compelled to erect, support, or attend any place of worship, or to maintain any minister of the gospel or teacher of religion; but whatever contracts any person may enter into for any such object ought, in law, to be binding and capable of enforcement, as other contracts; that no human authority can control or interfere with the rights of conscience; that no person can ever be hurt, molested, or restrained in his religious profession, or sentiments, if he do not disturb others in their religious worship.

**SEC. 6.** That no person, on account of his religious opinions, can be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying or serving as a juror; that no preference can ever be given, by law, to any sect or mode of worship; and that no religious corporation can ever be established in this State; but provision may be made by general laws for the incorporation of religious societies, so as to enable them, through trustees of their own choosing, to acquire, hold or transfer such property, as may be required for church buildings, parsonages or burial grounds, and for no other purpose.

**SEC. 7.** That all elections shall be free and equal.

**SEC. 8.** That courts of justice ought to be open to every person, and certain remedy afforded for every injury to person, property, or character; and that right and justice ought to be administered without sale, denial, or delay; and that no private property ought to be taken or applied to public use without just compensation.

**SEC. 9.** That the right of trial by jury shall remain inviolate.

**SEC. 10.** That in all criminal prosecutions, the accused has the right to be heard by himself and his counsel; to demand the nature and cause of accusations; to have compulsory process for witnesses in his

favor; to meet the witnesses against him face to face; and, in prosecutions on presentment or indictment, to a speedy trial by an impartial jury of the vicinage; that the accused can not be compelled to give evidence against himself; nor be deprived of life, liberty, or property, but by the judgment of his peers, or the law of the land.

SEC. 11. That no person, after having been once acquitted by a jury, can, for the same offense, be again put in jeopardy of life or liberty; but if in any criminal prosecution the jury be divided in opinion, the court before which the trial shall be had may, in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of such court.

SEC. 12. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* can not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

SEC. 13. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 14. That there can not be in this State either slavery or involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted.

SEC. 15. That no person can, on account of color, be disqualified as a witness, or be subjected, in law, to any other restraints or disqualifications in regard to any personal rights, than such as are laid upon others under like circumstances.

SEC. 16. That the people ought to be secure in their persons, papers, houses, and effects, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or thing, can issue without describing the place to be searched, or the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

SEC. 17. That no person can, for an indictable offense, be proceeded against criminally, by information, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or by leave of the court, for oppression or misdemeanor in office.

SEC. 18. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid or comfort: that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his own confession in open court; that no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood; that there can be no forfeiture of estate for any crime, except treason; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there ought to be no forfeiture by reason thereof.

SEC. 19. That the free communication of thoughts and opinions is one of the invaluable rights of man, and that every person may freely speak, write, and print on any subject, being responsible for the abuse of that liberty; that in all prosecutions for libels, the truth thereof may be given in evidence, and the jury may determine the law and the facts, under the direction of the court.

SEC. 20. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operations, can be passed; nor can the person of a debtor be imprisoned for debt, except for fines or penalties imposed for violation of law.

SEC. 21. That all property, subject to taxation in this State, shall be taxed in proportion to its value.

SEC. 22. That no title of nobility, hereditary emolument, privilege, or distinction, shall be granted.

SEC. 23. That emigration from this State can not be prohibited.

SEC. 24. That the military is, and in all cases and at all times, shall be, in strict subordination to the civil power; that no soldier can, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war but in such manner as may be prescribed by law; nor can any appropriation for the support of any army be made for a longer period than two years.

Mr. DRAKE moved that the substitute offered by Mr. Bush be laid on the table, and demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Bonham, Childress, Cowden, Davis of Nodaway, Drake, Esther, Evans, Filley, Folmsbee, Fulkerson, Gamble, Henderson, Holdsworth, Hume, King, McKernan, McPherson, Mack, Mitchell, Newgent, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, and Williams of Scotland—29.

NOES—Messrs. Bedford, Bush, Dodson, D'Onech, Foster, Gilbert of Lawrence, Gilstrap, Green, Harris, Holeomb, Holland, Husmann, Linton, Morton, Nixdorf, Rohrer, St. Gem, and Mr. President—18.

ABSENT WITH LEAVE—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Ellis, Gilbert of Platte, Grammer, Martin, Owens, Thilenius, and Williams of Caldwell—11.

ABSENT WITHOUT LEAVE—Messrs. Budd, Clover, Fletcher, Hughes, Leonard, and Switzler—6.

SICK—Mr. Meyer—1.

So the motion to lay the substitute on the table was adopted.

Mr. FOLMSBEE moved to reconsider the vote by which the substitute offered by Mr. Bush for the article on the Declaration of Rights was laid on the table, and also

moved to lay that motion on the table, which latter motion was agreed to.

The question then being on the adoption of the amendment proposed by Mr. Gilstrap, and the ayes and noes having been demanded, and being taken, the vote stood as follows :

**AYES**—Messrs. Bedford, Childress, Cowden, Dodson, Esther, Gamble, Gilstrap, Harris, Mack, Morton, and Sutton—11.

**NOES**—Messrs. Bonham, Bush, Davis of Nodaway, D’Oench, Drake, Evans, Filley, Folmsbee, Foster, Fulkerson, Gilbert of Lawrence, Green, Henderson, Holcomb, Holdsworth, Holland, Hume, Husmann, King, Linton, McKernan, McPherson, Mitchell, Newgent, Nixdorf, Peck, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Swearingen, Weatherby, Williams of Scotland, and Mr. President—36.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Ellis, Gilbert of Platte, Grammer, Martin, Owens, Thilenius, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Clover, Fletcher, Hughes, Leonard, and Switzler—6.

SICK—Mr. Meyer—1.

So the amendment was rejected.

Mr. GILSTRAP offered the following amendment:

Amend the bill of rights by striking out of section first the words “equally free,” and insert the words “free and equal.”

Pending which, Mr. LINTON moved, as a substitute for the amendment offered by Mr. Gilstrap, the following:

Strike out the words “equally free, and are.”

The question being on the substitute offered by Mr. Linton to the amendment of Mr. Gilstrap, Mr. GILSTRAP demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, Childress, Cowden, Dodson, D’Oench, Esther, Filley, Foster, Gamble, Gilstrap, Green, Harris, Henderson, Holcomb, Holland, Husmann, King, Linton, McKernan, Mack, Morton, Newgent, Nixdorf, Rankin, Rohrer, St. Gem, Smith of Worth, Strong, Swearingen, and Mr. President—30.

**NOES**—Messrs. Bonham, Davis of Nodaway, Drake, Evans, Fletcher, Folmsbee, Fulkerson, Gilbert of Lawrence, Holdsworth, Hume, McPherson, Mitchell, Peck, Smith of Mercer, and Williams of Scotland—16.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Ellis,

Gilbert of Platte, Grammer, Martin, Owens, Thilenius, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Budd, Clover, Hughes, Leonard, Switzer, and Weatherby—7.

SICK—Mr. Meyer—1.

So the substitute was adopted.

Mr. ST. GEM offered the following amendment:

Amend section ninth by striking out all after the word “profession,” in the sixth line.

Mr. HOLLAND moved to lay the amendment upon the table; on which motion Mr. ST. GEM demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Esther, Filey, Folmsbee, Fulkerson, Gamble, Henderson, Holdsworth, Holland, Hume, King, McPherson, Mack, Mitchell, Newgent, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Williams of Scotland, and Mr. President—29.

**NOES**—Messrs. Bush, D’Oench, Evans, Foster, Gilbert of Lawrence, Green, Harris, Holcomb, Husmann, Linton, McKernan, Morton, Nixdorf, Rohrer, and St. Gem—15.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Ellis, Gilbert of Platte, Grammer, Martin, Owens, Thilenius, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Budd, Clover, Fletcher, Gilstrap, Hughes, Leonard, Switzler, and Weatherby—9.

SICK—Mr. Meyer—1.

So the motion to lay on the table was agreed to.

Mr. ST. GEM offered the following amendment:

“Strike out sections twelve and thirteen.”

Which was ruled out of order by the President.

Mr. ST. GEM moved to adjourn, which was rejected.

Mr. BONHAM moved that the article on Declaration of Rights be adopted, on which motion Mr. GILSTRAP demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Esther, Filey, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Henderson, Holdsworth, Hume, King, McPherson, Mack, Mitchell, Newgent, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, and Williams of Scotland—28.

**NOES**—Messrs. Bush, D’Oench, Evans, Foster, Harris, Holcomb, Holland, Hus-

mann, Linton, McKernan, Morton, Nixdorf, Rohrer, St. Gem, and Mr. President—15.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Davis of New Madrid, Ellis, Gilbert of Platte, Grammer, Martin, Owens, Thilenius, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Bed-

ford, Budd, Clover, Fletcher, Green, Hughes, Leonard, Switzler, and Weatherby—9.

SICK—Mr. Meyer—1.

So the article on Declaration of Rights was adopted.

On motion of Mr. DAVIS of Nodaway, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## THIRTY-NINTH DAY.

WEDNESDAY, FEBRUARY 22d, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. McKim.

On motion of Mr. STRONG, leave was granted to Mr. Clover to record his vote on the Declaration of Rights. Mr. Clover voted "aye."

On motion of Mr. BUDD, Mr. Switzler was permitted to record his vote on the same question. Mr. Switzler voted "no."

On motion of Mr. ST. GEM, leave was granted Mr. Hughes to record his vote on the same question. Mr. Hughes voted "aye."

Mr. WEATHERBY was also permitted to record his vote on the same question. He voted "aye."

Mr. MCKERNAN asked leave of absence for Mr. Nixdorf for one week, which was granted.

On motion of Mr. DRAKE, the article on Railroad Indebtedness was read the first and second time, by its title, and ordered to be referred to the Committee of the Whole.

Mr. STRONG called up the regular order of the day, it being an ordinance providing for the vacating of certain civil offices in the State, filling the same anew, and protecting the citizens from injury and harassment.

Mr. SWITZLER moved to amend the first section as follows:

Strike out all between the word "appointed," in the sixth line, and "shall," in the tenth line. Strike out "the," after "hold," in the tenth line, and insert "said." Strike out after "offices," in the tenth line, the words "to which they may be appointed," and in the eleventh line, after "period," insert "with same authority."

Mr. GILSTRAP offered the following as a substitute for the amendment of Mr. Switzler:

Amend by inserting in the sixth line, after the word "appointment," the words "for the remainder of the term of each office, respectively," and strike out all after that, in section first.

Mr. STRONG offered the following amendment to the substitute proposed by Mr. Gilstrap:

Substitute the words "until the next general election," for the words "for the remainder of the term of each office, respectively."

On motion of Mr. BONHAM, the Convention adjourned until half-past 2 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. HUGHES offered the following resolution:

*Resolved.* That no member of this Convention will accept an appointment to any office which may be vacated by any ordinance of this Convention, except where he is the present incumbent.

Mr. FILLEY moved to lay the resolution on the table, and thereupon, Mr. HUGHES withdrew it.

Mr. DRAKE moved to postpone, until the 15th day of March next, the further consideration of the ordinance providing for the vacating of certain civil offices, etc., and demanded the ayes noes thereon.

Mr. HUSMANN moved to lay Mr. Drake's motion on the table, which motion he withdrew.

After debate, Mr. GILSTRAP renewed the motion to lay on the table, and demanded the ayes and noes, which being taken, the vote stood as follows:

AYES—Messrs. Fletcheher, Foster, Fulker-  
son, Gilbert of Lawrence, Gilstrap, Hus-  
mann, Newgent, St. Gem, Strong, and  
Swearingen—10.

NOES—Messrs. Bonham, Budd, Bush,  
Childress, Clover, Davis of Nodaway, Dod-  
son, Drake, Filley, Folmsbee, Gamble,  
Green, Harris, Henderson, Holcomb, Holdsworth,  
Holland, Hughes, Hume, King,  
Linton, McKernan, McPherson, Mack,  
Peck, Rankin, Rohrer, Smith of Mercer,  
Smith of Worth, Sutton, Switzler, Weatherby,  
and Mr. President—33.

ABSENT WITH LEAVE—Messrs. Adams,  
Barr, Bunce, Davis of New Madrid, Ellis,  
Gilbert of Platte, Grammer, Martin, Nix-  
dorf, Owens, Thilenius, and Williams of  
Caldwell—12.

ABSENT WITHOUT LEAVE—Messrs. Bed-  
ford, D'Oench, Evans, Leonard, Morton,  
and Williams of Scotland—6.

SICK—Messrs. Cowden, Esther, Meyer,  
and Mitchell—4.

So the motion to lay on the table was re-  
jected.

Mr. BONHAM moved that the ordinance be  
referred to a special committee, consisting  
of one member from each congressional  
district.

Pending which, it being announced that

his excellency Governor Fletcher was in  
the hall, the President appointed Messrs.  
Drake and Weatherby as a committee to  
wait upon the Governor and conduct him to a  
seat within the bar, which they accordingly  
did.

Mr. FILLEY moved to adjourn; on which  
motion Mr. SMITH of Worth demanded the  
ayes and noes, and the vote being taken,  
stood as follows:

AYES—Messrs. Bedford, Bonham, Budd,  
Childress, Davis of Nodaway, Dodson,  
Drake, Evans, Filley, Fletcher, Folmsbee,  
Gamble, Gilbert of Lawrence, Harris,  
Henderson, Holcomb, Holdsworth, Hume,  
King, Leonard, Linton, McKernan, Mc-  
Pherson, Mack, Morton Peck, Rankin,  
Rohrer, St. Gem, Smith of Mercer, Sutton,  
Switzler, Weatherby, and Williams of Scot-  
land—34.

NOES—Messrs. Bush, Clover, Foster, Gil-  
strap, Green, Holland, Hughes, Husmann,  
Newgent, Smith of Worth, Strong, Swear-  
ingen, and Mr. President—13.

ABSENT WITH LEAVE—Messrs. Adams,  
Barr, Bunce, Davis of New Madrid, Ellis,  
Gilbert of Platte, Grammer, Martin, Nix-  
dorf, Owens, Thilenius, and Williams of  
Caldwell—12.

ABSENT WITHOUT LEAVE—Messrs. D'Oench  
and Fulkerson—2.

SICK—Messrs. Cowden, Esther, Meyer,  
and Mitchell—4.

So the motion to adjourn was agreed to,  
and the Convention adjourned until half-past  
9 o'clock to-morrow morning.

## FORTIETH DAY.

THURSDAY, FEBRUARY 23d, 1865.

Convention met pursuant to adjournment,  
the President in the chair.

Prayer by Rev. Mr. Fenton.

On motion of Mr. MACK, the memorial  
heretofore presented on the subject of the  
Southwest Branch of the Pacific Railroad  
was ordered to be signed by the President  
and Secretary of this body, and forwarded  
to the President of the United States.

On motion of Mr. HOLLAND, copies of said  
memorial were ordered to be sent to the  
members of Congress from this State, repre-  
senting the districts in which said road is  
located.

Mr. FOLMSBEE called up his amendment to  
the ordinance vacating certain offices, which  
was offered yesterday, and withdrawn:

Amend section first by inserting, after the  
word "assistants," in the fourth line, the  
words "sheriffs, township marshals and  
notaries public."

Mr. ST. GEM offered the following amend-  
ment, which was read for information:

Amend section second by striking out, in  
the third line, the word "after," and insert  
in lieu thereof the word "from;" and add,  
after the word "sixty-one," in the fourth  
line, the words "to the first day of January,  
one thousand eight hundred and sixty-five."

Mr. CLOVER offered an amendment to the motion of Mr. Bonham, referring the ordinance to a committee of one from each congressional district, by adding thereto as follows:

With instructions to report forthwith on the propriety of a measure, and in what form said measure should be enacted, for the vacating of such civil offices as may, in their opinion, be necessary to protect the loyal people of the State, and to harmonize the working of the State government; and likewise to protect loyal citizens from injury and harassment from prosecutions for acts done by them in support of the government in the existing rebellion.

Mr. DRAKE renewed his motion to postpone the further consideration of the ordinance until the 15th of March next, and demanded the ayes and noes thereon, which being taken, the vote stood as follows:

**AYES**—Messrs. Bonham, Budd, Childress, Clover, Davis of Nodaway, Drake, Esther, Evans, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Harris, Holcomb, Holdsworth, Hughes, Hume, King, Linton, McKernan, McPherson, Mack, Morton, Peck, Rankin, Rohrer, Smith of Mercer, Sutton, and Williams of Scotland—28.

**NOES**—Messrs. Bedford, Bush, Davis of New Madrid, Dodson, D’Oench, Fletcher, Foster, Gilstrap, Green, Holland, Husmann, Leonard, Newgent, Rohrer, St. Gem, Smith of Worth, Strong, Swearingen, Weatherby—19.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Martin, Nixdorf, Owens, Thilenius, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Filley, Henderson, and Smith of Mercer—3.

**SICK**—Messrs. Cowden, Meyer, and Mitchell—3.

So the motion to postpone was agreed to.

Mr. BUSH asked leave of absence for himself this afternoon. Leave was granted.

Mr. ST. GEM asked leave of absence for Mr. Fletcher for this afternoon, which was granted.

On motion of Mr. BEDFORD, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. GAMBLE presented a petition, which was read, from citizens of the counties of

Audrain, Pike, Montgomery and Lincoln, praying for the erection of a new county out of territory embraced therein, to be called the county of Fletcher, and asked to have the same referred to the Committee on Miscellaneous Business. It was ordered to be so referred.

Mr. SMITH of Worth offered the following resolution:

*Resolved*, That when this Convention adjourns this day it will adjourn to meet at the Representatives hall in Jefferson City, on the 15th day of March, 1865, at 10 o'clock A. M.

Mr. BONHAM moved to lay the resolution on the table, and demanded the ayes and noes thereon, which being taken, the vote stood as follows:

**AYES**—Messrs. Bonham, Budd, Childress, Davis of Nodaway, Dodson, Drake, Esther, Evans, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Hume, King, Leonard, Linton, McKernan, McPherson, Mack, Morton, Peck, Rankin, Rohrer, Smith of Mercer, Sutton, and Williams of Scotland—28.

**NOES**—Messrs. Bedford, Bush, Clover, Davis of New Madrid, D’Oench, Fletcher, Foster, Gilstrap, Green, Harris, Holcomb, Holland, Hughes, Husmann, Newgent, Smith of Worth, Strong, Swearingen, Switzler, Weatherby, and Mr. President—21.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Martin, Nixdorf, Owens, Thilenius, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Filley and St. Gem—2.

**SICK**—Messrs. Cowden, Meyer, and Mitchell—3.

So the resolution was laid upon the table.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. LEONARD reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on Executive Power, but had come to no resolution thereon.

Mr. HUGHES asked leave of absence for three days, which was granted.

On motion of Mr. FOLMSBEE, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## FORTY-FIRST DAY.

FRIDAY, FEBRUARY 24th, 1865.

The Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. McLane.

Mr. GAMBLE presented a petition, which was read, from citizens of the counties of Montgomery, Pike, Audrain, and Lincoln, praying for the erection of a new county from territory embraced in said counties; which, on motion of Mr. GAMBLE, was referred to the Committee on Miscellaneous Provisions.

Mr. SMITH of Mercer, Chairman of the Committee on Loyalty of Members, presented the following report and accompanying papers:

Mr. PRESIDENT—The Committee on the Loyalty of Members, beg leave to report, that they have had under consideration the case of Mr. Thomas B. Harris, of Callaway county, and are of the opinion that he is disloyal. Your committee do, therefore, recommend that he be expelled from this body. The evidence in the case is herewith transmitted.

(Signed) K. G. SMITH, *Chairman.*

STATE OF MISSOURI, } ss.  
*County of Callaway.* }

William R. Wilson, aged forty-seven years, by occupation clerk of county court, makes oath and says, that on or about the 17th day of July, 1861, it being the day of the Overton Run fight, he saw Thomas B. Harris, of Callaway county, ride into Fulton, and at the time deponent and others, who he does not now remember, were sitting in front of the "Western Bank" building in Fulton, when said Harris, passing by, called upon the crowd to know "what they were doing there," saying, "why don't you go and assist in driving out the invaders of our State," or words to that effect, meaning, as deponent supposed; the Federal soldiers then approaching Fulton, under Colonel John McNeil, urging the citizens to arm themselves as best they could and offer resistance to the *invader*. Deponent further states that said T. B. Harris has never since the "Overton Run," or about that time, been regarded by Union men anything else but a rebel or rebel sympathizer; his associations have been with what are termed "Southern men," and not with "Union men," as far as my observation has enabled me to judge.

(Signed) WILLIAM R. WILSON.

Subscribed and sworn to before me, this 8th day of February, 1865.

(Signed) THOMAS B. NESBIT,  
*Clerk County Court, Callaway County, Mo.*

STATE OF MISSOURI, } ss.  
*County of Boone.* }

J. S. Williams, of lawful age, being duly sworn, deposeth and says: "I know Thos. B. Harris, of Callaway county, and have known him since 1859; his general character for loyalty to the Government of the United States is bad; I have heard him since the 17th day of December, 1861, make use of expressions of disloyalty and treason; during the summer and fall of '61, he, at divers times, endeavored to excite the people of Callaway, at Fulton, to armed resistance to the United States troops, calling upon the citizens to get arms of any kind, scythes, pitchforks, or anything—that the 'damned Dutch would get the county if not resisted.'"

(Signed) J. S. WILLIAMS.

Sworn and subscribed to before me, this 12th day of February, A. D. 1865.

(Signed) H. M. BRADLEY,  
*Capt. and Ass't Prov. Marshal.*

STATE OF MISSOURI, } ss.  
*County of Boone.* }

Patrick Cain, of lawful age, being duly sworn, deposes and says: "I know Thomas B. Harris, of Callaway county; have known him over five years; his character for loyalty is bad; on the day after the battle at Overton's run, in Callaway county, near Fulton, I was at Fulton when the rebel General Harris came into the town, and told the people that he wanted them to assist him, that if they did not do so that McNeil would drive them out of the town; Thomas B. Harris was there, standing close to the General, and after he had got through his speech, spoke, and said: 'That is so, General, and I will do my part; if we do not do as you ask, the damned Dutch will take the town.'"

(Signed) PATRICK CAIN.

Sworn to and subscribed before me, this 12th day of February, A. D. 1865.

(Signed) H. M. BRADLEY,  
*Capt. and Provost Marshal.*

OFFICE OF ASST. PROVOST MARSHAL, }  
*Fulton, Missouri, Nov. 10, 1864.* }

Statement of Dr. John W. Martin, aged fifty-three years, by occupation a physician, and a citizen of Callaway county, Missouri: Witness states that, some time about the middle of July, 1861, he saw Thomas B. Harris, of Callaway county, Missouri, passing along the street, in Fulton, on horseback, and heard him say, "what are you all doing there?" meaning, as he supposed, to urge men to assist in resisting Federal

authority, or to oppose the advance of Colonel McNeil's command; and that he has, since that time, understood him to be a Southern sympathizer, and opposed to the exercise of Federal authority.

(Signed) JOHN W. MARTIN.

Sworn to and subscribed this 16th day of January, 1865, before me.

(Signed) J. W. STEWART,  
*Capt. and Asst. Provost Marshal.*

I, John Saunders, a resident of Audrain county, Missouri, on oath declare: I was at Lakeland's Schoolhouse on the Sunday after the taking of Fort Sumter, and I saw Thomas B. Harris there; in the course of a conversation that sprung up between him and George Sullivan, Joseph Lakenan, and a Mr. Ross, at which I was present, Sullivan accused Harris, in a rather playful manner, of being a Union man, at which Harris got nettled, and replied to Sullivan not to call him a Union man if he did not want to insult him; further, during the gathering of the rebels in Callaway county, under Jeff. Jones, I was captured by Jones, and, under the charge of being a Federal spy, I was kept prisoner by him until he got scared, and suddenly disbanded his men one night; I believe it was on Friday night men came into camp, and notified Jones that General Prentiss was moving on him; they moved from Dyer's mills to Stringfield's store on Saturday, and Thomas B. Harris came into camp, and went with us part of the way to Stringfield's store, apparently directing movements; on the march he espied me in a wagon; he rode back and forth along the lines, and, when passing by me, he always stopped talking; he was in company with Joseph Lakenan all the time; this was in the fall of 1861, during the encampment of General Henderson and Colonel Krekel at Wellsville; I have stated that Harris went part of the way; the rebels were divided into two parts, after crossing the Mexico and Fulton road, one going by Jeff. Jones' house, the other, by a more southern route, to Stringfield's store; Harris, after this division, was not with the gang I was with; I am unable to say whether he was with the other party or not, after the division. (Signed) JOHN SAUNDERS.

Subscribed and sworn to before me, this 21st day of January, 1865.

(Signed) H. B. SAYRE,  
*Lieut. and Asst. Provost Marshal.*

ST. LOUIS, February 22, 1865.

Statement of James M. Martien, with regard to the political character of David L. Whaley, William T. Snell, A. A. Fant, R. R. Buckner, and G. W. Sullivan: I know David L. Whaley to be a rebel; can prove he was in arms against the government in the early part of the rebellion, and recruited and drilled men for the rebel "State Guard;" no truly loyal man regards Whaley as any-

thing but a rebel sympathizer at the present time; I know William T. Snell to be also a rebel sympathizer; can prove he contributed ten dollars in cash to raise and outfit Dan. McIntyre's rebel company, in 1861: Snell has since been on duty as commander of the E. E. M.; can prove that, whilst on that duty, he (Snell) stated that the State authorities would, and ought to, resist the United States conscription law; can also prove that Snell said that there were four persons, citizens of Fulton (radicals), that would not be permitted to live in the State when the war was over; A. B. Fant is a horse and mule trader; made a large amount out of the Government; says but little; but is regarded by myself and all loyal men as a rebel sympathizer. R. R. Buckner is notoriously disloyal; an out-and-out fire-eater. With regard to James Harris, I believe he is a brother-in-law of Thomas B. Harris; if so, he is disloyal; I do not know one of the name that is not disloyal. G. W. Sullivan was a rebel sympathizer when he lived in Audrain county, in the neighborhood of T. B. Harris; he associated habitually with rebels, and was required to give a heavy bond. With regard to the statement of General McNeil, it is, no doubt, true that Harris "appeared to be as loyal as any of his neighbors;" I know his neighbors well; they were, and are, all disloyal; I do not think there is one loyal man, at the present time, in the township Harris resides in; Thomas B. Harris is a man of influence in his county, and has had much to do in shaping public opinion, particularly in his own township; Thomas B. Harris was, in 1860, apparently a Union man, but, upon the capture of Camp Jackson, became intensely rebel; was a friend of the rebel General Tom. Harris, at the time he was operating in Callaway county; held to the doctrine that the government had been usurped; that, in fact, no government existed; that President Lincoln had no legal authority; that the Constitution had been violated and trampled under foot; Thomas B. Harris has always looked with contempt and detestation on Federal soldiers.

(Signed) JAMES M. MARTIEN.  
Sworn and subscribed to at St. Louis, this 22d day of February, 1865, before me,

(Signed) JOHN A. CUNNINGHAM,  
*Justice of the Peace.*

STATE OF MISSOURI, } ss.  
County of Callaway.

I, Wm. R. Wilson, Clerk of the Callaway County Court, do hereby certify that I am personally acquainted with the within named affiants, James H. Tucker, E. R. Parker, Rufus Abbot, and Thomas Patton, and know them to be true and loyal Union men, and all of them have been citizens of this place (Fulton) and county for fifteen or twenty years or more, and they have had all opportunity of knowing the political status of the men of whom they have been called

upon to testify; their statements are entitled to full faith and credit.

In testimony whereof, I hereunto subscribe my name and affix the seal of the [L. S.] court, at office, this 2d day of February, 1865.

(Signed) W. M. R. WILSON,  
Clerk Callaway County Court.

STATE OF MISSOURI, } ss.  
County of Callaway. }

Before me, William R. Wilson, Clerk of the Callaway County Court, personally come James H. Tucker, Edwin R. Parker and Rufus Abbot, who make oath and say that they have been acquainted with A. B. Fant, Wm. H. Bailey, Angus Berry, Thos. A. Howard and John H. Howard, from the commencement of the present rebellion, and have regarded them as disloyal, and consider that they have been so regarded by Union men; they have not acted with Union men; Joseph Flood is and has been regarded as a loyal man, of which we have no doubt; it is true that he was a judge of the court when an order was made to assist wounded rebels to return to their homes, in Callaway county, from Springfield, Mo., in 1861; it is also true that he, with others declined to take the Convention oath, and retain his place as judge of the county court; notwithstanding these things, Judge Flood has opposed secession, Jeff. Davis & Co., as much as any man in Missouri, Illinois or New York, and has acted with Union men from the commencement of the rebellion.

JAMES H. TUCKER,  
(Signed) E. R. PARKER,  
R. ABBOT.

Subscribed and sworn to before me, this 2d day of February, 1865.

(Signed) W. M. R. WILSON,  
Clerk Callaway County Court.

Personally comes, also, Thomas Patton, who makes oath and says, that the following named persons are disloyal, to-wit: A. B. Fant, T. A. Howard, J. H. Howard, Angus Berry, and William H. Bailey, and are so considered by the loyal men of this county; Joseph Flood was a member of the county court of Callaway county, which court made an appropriation to bring wounded rebels home from Springfield, in 1861, which is on record in the clerk's office of said county; he also resigned his seat as judge of the county court, refusing to take the oath prescribed by the Convention; William H. Bailey resigned his office as clerk of the county court of Callaway county, refusing to take the oath prescribed by the Convention.

(Signed) THOMAS PATTON.

Subscribed and sworn to before me, this 2d day of February, 1865.

In testimony whereof, I have hereunto set my hand and affixed the seal of court, [L. S.] at office the date above written.

(Signed) W. M. R. WILSON, Clerk.

On the morning of the Overton Run fight I was standing before my house, and saw Thomas B. Harris when he came into town—I think something near 10 o'clock; saw him when he stabled his horse; talked to him about the attack on Colonel McNeil's forces; returned to the hotel with him; went up on my veranda with the Reverend S. A. Muchmore; saw Colonel McNeil's forces approaching the town nearly in a south direction; some were then still firing from houses in town; asked Mr. Muchmore to go down town with me and make some arrangements about a flag of truce; he asked me who had best go; I told him James S. Henderson would be best for one; we went together down town; met Mr. T. B. Harris and Judge Bailey; Mr. Harris then went into the clerk's office, and soon came out again, and assisted in making arrangements to start the flag of truce, and I think went out with James S. Henderson and S. A. Muchmore; the next I recollect of T. B. Harris he came to my hotel with Colonel McNeil and Dr. Dudley H. Overton, when T. B. Harris introduced Colonel McNeil to me; this was after the wounded men were brought to my hotel by the assistant surgeon and Lieutenant Colonel Fritz; the next I recollect of T. B. Harris I saw him on horseback, in company with Judge Hopkins, Judge King, and Judge Flood, starting toward the battle-ground, and going out toward Jefferson City; I understood Colonel McNeil requested some persons to go out and examine the ground, to see if more dead or wounded were left on the field; I saw Mr. T. B. Harris and Judge Joseph Flood returning, in company with others, from the direction of the battle-ground; I am fully satisfied Thomas B. Harris was at no time armed during the day, and was not in, nor south or southwest of, town on the day of said battle, nor in the town of Fulton, until 10 o'clock or later, on that day; nor do I, from any reasonable conclusion, believe he was ever in favor or countenanced the actions of those who made the attack on Colonel McNeil's forces, but, on the contrary, has frequently, in unqualified terms, showed that he disapproved of secession—first, as a remedy for Southern grievances; and secondly, altogether against the mode of warfare as carried on in Missouri.

(Signed) DAVID L. WHALEY.  
February 1, 1865.

FULTON, Mo., January 31, 1865.

I was in Fulton, Mo., on the day of the fight known as the Overton Run fight; saw T. B. Harris in town on that day, coming down the street with other persons; had no arms in his hands; saw him mixing with the Federal officers after they reached town.

(Signed) W. T. SNELL.

ST. LOUIS, February 6, 1865.

I was in the town of Fulton, Callaway county, Mo., on the day of what was called the Overton Run fight; was in company with

Thomas B. Harris in town after the fight; he was unarmed; saw him on the sidewalk when James S. Henderson and Mr. Muchmore went down the street and received Colonel McNeil and his command; saw Harris with Colonel McNeil and officers after they got in; when things settled down a little, Harris, with myself, went out on the battle-ground, under Colonel McNeil's order, to see if there were any dead or wounded men on the ground.

(Signed)

A. B. FANT.

ST. LOUIS, January 19, 1865.

Hon. T. B. HARRIS—*Dear Sir:* In answer to interrogatories propounded to us by you, touching your loyalty, we have to say, in reply, that we are and have long been intimately acquainted with you as a neighbor and citizen; we know well your political views and actions since and before the outbreak of this rebellion. You opposed, actively, the doctrine of secession, and labored to keep Missouri in the Union; always opposed lawlessness and bushwhacking; in a word, we are bound to regard you as a strictly loyal man.

Yours, respectfully,

(Signed)

ROBT. R. BUCKNER,  
W. W. ROBERTSON.

ST. LOUIS, January 18, 1865.

Hon. T. B. HARRIS—*Dear Sir:* In answer to interrogatories propounded by you, I have to say that I think I know your political record since the first outbreak of this rebellion. Having been on the most intimate terms, there has been nothing reserved in our interviews, which have been frequent from the beginning of the present conflict. I know that you was one of the first men in Boone or Callaway county to oppose the "heresy," as you called it, of secession, and opposing all efforts to take Missouri out of the Union, asserting and affirming that there never could be two governments established and sustained out of the territory of the United States. For entertaining and advocating these views, you, as well as others of like views and opinions, have been continually denounced by men taking the Southern side of the question.

Yours, respectfully,

(Signed)

JAMES HARRIS.

I lived in Audrain county, Missouri, until some time in September, 1864; know Thomas B. Harris, of Callaway county, well; he lives in Callaway county, some six miles from where I lived; we were on the most intimate terms; I know his views and opinions well from the beginning of this rebellion; he was a most active and zealous opposer of secession and disunion; I know that he was active and earnest in keeping men out of the rebellion, contending that the rights of American citizens were to be

secured in the Union, and not out of it; know that he was violently opposed to all guerrilla warfare and bushwhacking; have heard him publicly and privately advocate the union of all the States under one government and one constitution, stating that secession was a heresy, and would ruin the government; have no recollection of ever hearing him at any time, by word or act, favor any other views or sentiments than those above expressed; I know to my personal knowledge of his doing all in his power to keep men out of the rebel army.

(Signed)

GEO. W. SULLIVAN.

I am a citizen of Callaway county, Missouri; am well and intimately acquainted with Thomas B. Harris, of Callaway county; was director with him in the bank at Fulton; the subject of secession was often up, and Mr. Harris was at all times in active opposition to it, advocating the union of all the States under one constitution; I have never known a disloyal act of his; I am a Union man—a judge of the county court of Callaway county.

(Signed)

H. F. RENO.

Personally appeared before me, G. W. Sullivan and H. F. Reno, whose names are appended to the foregoing affidavits, and being duly sworn to by me, state that the matters and statements contained therein are true.

This 4th day of February, 1865.

(Signed)

A. H. MARTIN,

*Clerk of Circuit Court of Lincoln County, Mo.*

I am eighteen years of age; live in Callaway county, in the State of Missouri; my home is with Thomas B. Harris, about thirteen miles north of Fulton, in said county; I know that he, the said Thomas B. Harris, was at home, in the harvest field with the hands, the day before what was called the Overton Run fight with the Federal forces under General (then Colonel) McNeil, and that he was at home that night and to breakfast next morning, viz., the day of the fight, and that we did not know anything of the fight until he returned home that evening; I know he had no arms, and was then, and has ever since been, opposed to secession, bushwhacking and everything of the sort; he has at all times counseled me to have nothing to do with the rebellion, and has kept others out of it; I know, also, that he was opposed to the Jones encampment, and that his house was inside the lines; pickets were stationed in all the avenues leading to and from his house.

(Signed)

CALEB R. HARRIS.

Sworn to and subscribed before me, at my office, in Buffalo, this 2d day of February, 1865.

(Signed)

ISOM ENLOW,  
*Justice of the Peace.*

ST. LOUIS, February 9, 1865.

Hon. THOMAS HARRIS, Member of the Constitutional Convention, St. Louis:

Sr.—Being called upon by you to state my recollection of your action at the time my command entered Fulton, Callaway county, on the 16th of July, 1861, and while I was in occupation at that place, I have to say: That when the town was occupied by my troops, I met you, with others, with a flag of truce; that you expressed a good disposition toward the Government of the United States, and volunteered your services to procure my men quarters in the courthouse; you also went with me to Whaley's store, part of which I occupied as an hospital; I regarded you, while I was in Fulton, as full as loyal as most of your neighbors, and at no time did I hear that you had been in arms before the occupation of Fulton.

I have the honor to be, your obedient servant,  
 (Signed) JOHN MCNEIL,  
*Brig. Gen. U. S. Vols.*

CONCORD, January 21, 1865.

Hon. T. B. HARRIS—Dear Sir: In answer to your interrogatories, we cheerfully respond that we have known you intimately for many years, and can testify to your loyalty from the commencement of the rebellion. You, from the beginning, took an active part against secession; have always opposed bushwhackers and rebel raids. Publicly and privately, your voice and acts have been for the Federal Government.

Yours truly, (Signed)

AFRED BARNES, KING BAILEY,  
 JNO. HENDERSON, A. P. POLLARD,  
 J. M. RILEY, SANDFORD JAMESON,  
 R. S. SHIELDS, L. G. PLEDGE,  
 JNO. A. THURMAN, ALLEN LEEPER,  
 LEWIS L. MATHEWS, WILLIAM GUY,  
 E. McCRAICKIN, JOHN G. BARNEs,  
 R. H. FOWLER, PHILIP THURMOND.

CONCORD, CALLAWAY COUNTY, }  
 January 23, 1865. }

THOS. B. HARRIS, Esq.—Dear Sir: In answer to your interrogatories, we, the undersigned citizens of Callaway county, Missouri, were present at a meeting of Liberty township, held at Concord, the early part of the fall of 1861; that, at said meeting resolutions were offered of a disloyal character, and not in harmony with the preservation of our Government, and speeches were made advocating secession. We recollect very distinctly that you promptly took the stand and made a speech, in which you denounced secession as a dangerous heresy; and further state that, from the beginning of this rebellion till now, you have openly and zealously advocated the claims of our Government, as paramount to all other considerations.

(Signed)

FRANKLIN BURT, JAS. LAWRENCE,  
 THOS. J. ATKINSON, J. T. HENDERSON,  
 JOHN HALL, H. G. GARWOOD,  
 Wm. McPHRETERS.

STATE OF MISSOURI, } ss.  
 Callaway County.

Personally appeared before me, this day, the undersigned, acting justice of the peace for the within county, and State of Missouri, the parties whose names are subscribed to the within instrument, who are personally known to me as men of undoubted worth and integrity, and are regarded by the community as loyal to the Federal Government; and would further certify that a majority of them are prominent Union men, and they acknowledge that they executed the above for all the uses and purposes therein contained.

Given under my hand this, January 23d, 1865. (Signed) R. H. HORD,  
*Justice of the Peace.*

#### *Mass Meeting in Old Callaway.*

On Monday last, November 19, 1860, a large mass meeting of our citizens was held at the courthouse in this city, for the purpose of considering the present condition of our national affairs.

The meeting was presided over by Mr. Thomas B. Harris, as President, and Captain Samuel Blount, Major W. W. Snell, and Judge Thomas Ansell, as Vice Presidents. Jesse C. Fox, Esq., acted as Secretary.

A committee of eleven was appointed to draft resolutions expressive of the sense of the meeting, composed of the following gentlemen: Judge I. O. Hockaday, Benjamin Cason, Major John Harrison, Dr. J. T. Collier, John S. Henderson, George Law, I. W. Boulware, George Bartley, John G. Provinis, Dr. J. W. Martin, and Dr. James M. Martien. Whilst the committee was absent, Judge Thomas Ansell and Major P. B. Reed, of Audrain county, were called for, and addressed the meeting in appropriate, well-timed and eloquent speeches. The committee, after a short absence, returned, bringing in two reports—a majority and minority report. The following is the majority report:

WHEREAS, By the recent election of Abraham Lincoln to the chief magistracy of the United States, the country has been thrown into violent agitation, and particularly the cotton-growing States of this confederacy; and whereas, imminent and sudden danger threatens the integrity of the Union, the prosperity and perpetuity of the General Government, and the harmony, peace and happiness of the people; and whereas, the citizens of the various States, one in aim and destiny, are in danger of being brought into hostile and deadly conflict; and whereas, the social, religious and moral relations of our people are involved in almost inextricable difficulties, threatening alike the lives, liberties and the property of the citizens of the common territory; therefore,

*Resolved*, That while we deprecate the election of Abraham Lincoln to the Presidency of the United States, we do not regard

his mere election as sufficient reason for the secession of any State from the confederacy.

*Resolved.*, That we will abide by the constitution as it is, the laws as they exist, and the Union of the States, as it was framed and handed down to us by a brave, a generous, and a noble ancestry.

*Resolved,* That ignoring the political differences that have heretofore divided us, we will cling to the constitution of our country as the sheet-anchor of our hopes and the ultimatum of our desires.

*Resolved,* That we regard the prospective disruption of the existing government as one of the most direful calamities that could befall not only the American people and American institutions, but the cause of freedom and self-government throughout the world.

*Resolved,* That we recognize the Supreme Court of the United States as the proper tribunal to determine the constitutionality or unconstitutionality of all laws, and as such we will look to it as the conservator of the public peace and the preserver of public tranquillity.

*Resolved,* That this government was formed out of the privation, the suffering, the patriotism and the sacred blood of our fathers, and as the richest legacy they could leave to us, we will preserve it unimpaired by civil broils, strengthened by a mutual and sacred endeavor to render it the fairest, the freest, the most indestructible ligature of brotherhood.

*Resolved,* That we do not, nor can we, regard the inhabitants of the seceding States of the Union as other than revolutionists and disorganizers, and as such, we cannot offer them assistance nor extend to them the right hand of fellowship.

*Resolved,* That so long as the chief magistrate of the government shall confine his action within the limits of the national constitution, we will use all lawful means, and exert all our rightful powers, to uphold his administration and render his term of office glorious by our loyalty and devotion to the interests of self-government and the cause of freedom.

*Resolved,* That as the condition upon which God has given liberty to man is that of eternal vigilance, we will not break that condition by a cold and active indifference to things around us, but will labor for the spread of a liberal and just policy, and the success of our free institutions throughout all time.

(Signed)

I. O. HOCKADAY,      GEORGE BARTLEY,  
JOHN HARRISON,      JOHN G. PROVINES,  
J. T. COLLIER,      J. W. MARTIN,  
JNO. S. HENDERSON,    JAS. M. MARTIEN.

#### Minority Report.

MR. PRESIDENT: We, the undersigned, a minority of your committee, although we deem this mass meeting uncalled for and premature, yet as a duty assigned us, beg

leave, in the discharge of that duty, to make the resolutions of the majority report, except the seventh, our report.

(Signed)

I. W. BOULWARE,  
G. W. LAW,  
BENJAMIN CASON.

Some discussion took place between President S. S. Laws, Judge Thomas Ansell, and John G. Provines, Esq., on the presentation of the two reports—the two former gentlemen sustaining the minority report, and the latter gentleman the majority report, containing the seventh resolution. The majority report was rejected by an overwhelming vote, only twelve voting for it, and the minority report was adopted.

On motion of Mr. DRAKE, the report of the Committee on Loyalty, with accompanying papers, was ordered to be printed.

Mr. DRAKE, Chairman of the Committee on Revision, made the following report:

The Revising Committee, to whom was referred the article entitled "Declaration of Rights," beg leave to report the same back without amendment.

C. D. DRAKE, *Chairman.*

On motion of Mr. FOLMSBEE, the article on Declaration of Rights, as reported back from the Committee on Revision, was ordered to be read.

On motion of Mr. PECK, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. SMITH of Worth moved that the further consideration of the Declaration of Rights be postponed till the 16th day of March next; on which motion, Mr. DRAKE demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Bush, D'Oench, Foster, Gamble, Gilstrap, Harris, Holcomb, Husmann, Leonard, Linton, McKernan, Newgent, Rohrer, St. Gem, Smith of Worth, Swearingen, Switzler, and Mr. President —18.

NOES—Messrs. Bedford, Bonham, Budd, Childress, Clover, Davis of New Madrid, Davis of Nodaway, Dodson, Drake, Esther, Evans, Folmsbee, Fulkerson, Gilbert of Lawrence, Green, Henderson, Holdsworth, Holland, Hume, King, McPherson, Mack, Morton, Peck, Rankin, Smith of Mercer, Strong, Sutton, Weatherby, and Williams of Scotland—30.

ABSENT WITH LEAVE—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Hughes, Martin, Nixdorf, Owens, Thilenius, and Williams of Caldwell—12.

**ABSENT WITHOUT LEAVE**—Mr. Fletcher—1.  
**SICK**—Messrs. Cowden, Filley, Meyer, and Mitchell—4.

So the motion to postpone was rejected.

The question being on the enrollment of the Declaration of Rights as a part of the Constitution, Mr. GILSTRAP demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Budd, Childress, Clover, Davis of Nodaway, Drake, Esther, Folmsbee, Fulkerson, Gilbert of Lawrence, Green, Henderson, Holdsworth, Hume, King, McPherson, Mack, Peck, Rankin, Smith of Mercer, Strong, Sutton, Weatherby, and Williams of Scotland—24.

**NOES**—Messrs. Bedford, Bush, Davis of New Madrid, Dodson, D’Oench, Evans, Foster, Gamble, Gilstrap, Harris, Holcomb, Holland, Husmann, Leonard, Linton, McKernan, Morton, Newgent, Rohrer, St. Gem, Smith of Worth, Swearingen, Switzer, and Mr. President—24.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Hughes, Martin, Nixdorf, Owens, Thilenius, and Williams of Caldwell—12.

**ABSENT WITHOUT LEAVE**—Mr. Fletcher—1.  
**SICK**—Messrs. Cowden, Filley, Meyer, and Mitchell—4.

So the Declaration of Rights was not ordered to be enrolled.

Mr. DRAKE moved to reconsider the vote by which the article on Declaration of Rights was rejected; which motion was withdrawn.

Mr. BUSH moved that the article on Declaration of Rights, as offered by him, be made the special order for Monday next.

Mr. FOLMSBEE moved a call of the house. Decided out of order.

The article on Declaration of Rights, offered by Mr. BUSH, was read the third time.

Mr. BUDD demanded a call of the house, which was agreed to, and the call being made the following members responded to their names:

Messrs. Bedford, Bonham, Budd, Bush, Childress, Clover, Davis of New Madrid, Davis of Nodaway, Dodson, D’Oench, Drake, Esther, Evans, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Green, Harris, Henderson, Holcomb, Holdsworth, Holland, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Morton, Newgent, Peck, Rankin, Rohrer, St. Gem, Smith of Worth, Strong, Sutton, Swearingen, Switzer, Weatherby, Williams of Scotland, and Mr. President—48.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Gram-

mer, Hughes, Martin, Nixdorf, Owens, Thilenius, and Williams of Caldwell—12.

**ABSENT WITHOUT LEAVE**—Mr. Fletcher—1.  
**SICK**—Messrs. Cowden, Filley, Meyer, and Mitchell—4.

Mr. GILSTRAP moved that further proceedings under the call be dispensed with, and demanded the ayes and noes thereon, which being taken the vote stood as follows:

**AYES**—Messrs. Bedford, Bush, Childress, Clover, Davis of New Madrid, Dodson, D’Oench, Esther, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Green, Harris, Henderson, Holcomb, Holdsworth, Holland, Hume, Husmann, Leonard, Linton, McKernan, Morton, Newgent, Rohrer, St. Gem, Smith of Worth, Swearingen, Switzer, and Mr. President—32.

**NOES**—Messrs. Bonham, Budd, Davis of Nodaway, Drake, Evans, Folmsbee, King, McPherson, Mack, Peck, Rankin, Smith of Mercer, Strong, Sutton, Weatherby, and Williams of Scotland—16.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Hughes, Martin, Nixdorf, Owens, Thilenius, and Williams of Caldwell—12.

**ABSENT WITHOUT LEAVE**—Messrs. Filley, Fletcher, and Mitchell—3.

**SICK**—Messrs. Cowden and Meyer—2.

So further proceedings under the call were dispensed with.

Mr. BEDFORD moved to adjourn; on which motion Mr. DRAKE demanded the ayes and noes, and the vote being taken, stood as follows :

**AYES**—Messrs. Bedford, Clover, Dodson, D’Oench, Evans, Gilstrap, Harris, Rohrer, Switzer, and Mr. President—10.

**NOES**—Messrs. Bonham, Budd, Bush, Childress, Davis of New Madrid, Davis of Nodaway, Drake, Esther, Filley, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Green, Henderson, Holcomb, Holdsworth, Holland, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Morton, Newgent, Peck, Rankin, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, and Williams of Scotland—39.

**SICK**—Messrs. Cowden, Meyer, and Mitchell—3.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Hughes, Martin, Nixdorf, Owens, Thilenius, and Williams of Caldwell—12.

**ABSENT WITHOUT LEAVE**—Mr. Fletcher. So the Convention refused to adjourn.

Mr. DRAKE moved to reject the article on Declaration of Rights, offered by Mr. Bush, and demanded the ayes and noes thereon, which being taken, the vote stood as follows :

**AYES**--Messrs, Bonham, Budd, Childress, Davis of Nodaway, Drake, Esther, Evans, Filley, Folmsbee, Fulkerson, Hume, King, McPherson, Mack, Peck, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, Weatherby, and Williams of Scotland--22.

**NOES**--Messrs. Bedford, Bush, Clover, Davis of New Madrid, Dodson, D'Oench, Foster, Gamble, Gilbert of Lawrence, Gilstrap, Green, Harris, Henderson, Holcomb, Holdsworth, Holland, Husmann, Leonard, Linton, McKernan, Morton, Newgent, Rohrer, St. Gem, Smith of Worth, Switzler, and Mr. President--27.

**SICK**--Messrs. Cowden, Meyer, and Mitchell--3.

**ABSENT WITH LEAVE**--Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Hughes, Martin, Nixdorf, Owens, Thilenius, and Williams of Caldwell--12.

**ABSENT WITHOUT LEAVE**--Mr. Fletcher.

So the Declaration of Rights, as offered by Mr. Bush, was not rejected.

On motion of Mr. ST. GEM, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## FORTY-SECOND DAY.

SATURDAY, FEBRUARY 25th, 1865.

Convention met pursuant to adjournment; the President in the chair.

The Declaration of Rights, offered by Mr. Bush, was taken up.

Pending which, Mr. SMITH of Worth offered the following as a substitute therefor:

### ARTICLE —.

#### *Declaration of Rights.*

That the general, great and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

1. That we hold it to be self-evident that all men are created equally free, and are endowed by their Creator with certain inalienable rights, among which are life, liberty, the enjoyment of the fruits of their own labor, and the pursuits of happiness.

2. That there cannot be in this State either slavery or involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted.

3. That no person can, on account of color, be disqualified as a witness, or be disabled to contract otherwise than as others are disabled, or be prevented from acquiring, holding, and transmitting property, or be liable to any other punishment for any offense than that imposed upon others for a like offense, or be restricted in the exercise of religious worship, or be hindered in acquiring education, as shall be provided by law, or be subjected, in law, to any other restraints or disqualifications in regard to any personal rights, than such as are laid upon others under like circumstances.

4. That all political power is vested in and derived from the people; that all government of right originates from the people; is founded upon their will only, and is instituted solely for the good of the whole.

5. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their constitution and form of government, whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

6. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American nation, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said nation, ought to be resisted with the whole power of the State.

7. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of this State, in contravention or subversion thereof, can have any binding force.

8. That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance; and that their right to bear arms in defense of themselves and of the lawful authority of the State can not be questioned.

9. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying or

serving as a juror; and that no human authority can control or interfere with the rights of conscience; that no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice, unless, under the color of religion, he disturb the good order, peace or safety of the State, or offend against public morals, or injure others in their natural, civil or religious rights.

10. That no person can be compelled to erect, support, or attend any place of worship, or to maintain any minister of the gospel, or teacher of religion; but whatever contracts any person may enter into for any such object, ought, in law, to be binding and capable of enforcement, as other contracts.

11. That no preference can ever be given, by law, to any church, sect, or mode of worship.

12. That no religious corporation can be established in this State; except, that by a general law, uniform throughout the State, any church, or religious society, or congregation, may become a body corporate, for the sole purpose of acquiring, holding, using, and disposing of so much land as may be required for a house of public worship, a chapel, a parsonage, and a burial ground, and managing the same, and contracting in relation to such land, and the buildings thereon, through a board of trustees selected by themselves; but the quantity of land to be held by any such body corporate, in connection with a house of worship or a parsonage, shall not exceed five acres in the country, or one acre in a town or city.

13. That every gift, sale, or devise of land to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination; or to or for the support, use, or benefit of, or in trust for, any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order or denomination; and every gift or sale of goods or chattels, to go in succession, or to take place after the death of the seller or donor, to or for such support, use, or benefit; and also every devise of goods or chattels, to or for the support, use, or benefit of any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order or denomination, shall be void, except always any gift, sale, or devise of land to a church, religious society or congregation, or to any person or persons in trust for the use of a church, religious society or congregation, whether incorporated or not, for the uses and purposes and within the limitations of the next preceding clause of this article.

14. That all elections ought to be free and open.

14. That courts of justice ought to be open to every person, and certain remedy afforded for every injury to person, prop-

erty, or character; and that right and justice ought to be administered without sale, denial or delay.

16. That no private property ought to be taken or applied to public use, without just compensation.

17. That the right of trial by jury shall remain inviolate.

18. That in all criminal prosecutions the accused has the right to be heard by himself and his counsel; to demand the nature and cause of accusation; to have compulsory process for witnesses in his favor; to meet the witnesses against him face to face; and, in prosecutions on presentment or indictment, to a speedy trial by an impartial jury of the vicinage; that the accused can not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, but by the judgment of his peers, or the law of the land.

19. That no person, after having been once acquitted by a jury, can, for the same offense, be again put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had may, in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of said court.

20. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

21. That excessive bail shall not be required, or excessive fines imposed, nor cruel and unusual punishments inflicted.

22. That the privilege of the writ of *habeas corpus* can not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

23. That the people ought to be secure in their persons, papers, houses, and effects, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, can issue, without describing the place to be searched, or the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

24. That no person can, for an indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in the time of war or public danger, or, by leave of court, for oppression or misdemeanor in office.

25. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort.

26. That no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood; that there can be no forfeiture of estate for any crime, except treason, and that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death.

27. That the free communication of

thoughts and opinions is one of the invaluable rights of man, and that every person may freely speak, write, and print on any subject, being responsible for the abuse of that liberty; that in all prosecutions for libel, the truth thereof may be given in evidence, and the jury may determine the law and facts, under the direction of the court.

28. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, can be passed.

29. That imprisonment for debt can not exist in this State, except for fines or penalties imposed for violation of law.

30. That all property subject to taxation ought to be taxed in proportion to its value.

31. That no title of nobility, or hereditary emolument, privilege, or distinction can be granted.

32. That the military is, and in all cases and at all times ought to be, in strict subordination to the civil powers; that no soldier can, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in such manner as may be prescribed by law, nor can any appropriation for the support of an army be made for a longer period than two years.

Mr. HOLLAND moved to refer the article on Declaration of Rights, as offered by Mr. Bush, and the substitute for the same, offered by Mr. Smith of Worth, to a select committee of nine.

Pending which, Mr. WEATHERBY offered the following resolution:

*Resolved.* That the Committee on Accounts be instructed to audit and pay in full the members and employees of this Convention first, out of the funds on hand, and arrange the bills of contingent expenses afterward.

Which was agreed to.

Mr. FLETCHER moved that the Convention adjourn till half-past 9 o'clock on Monday morning next.

The motion was withdrawn to enable Mr. WEATHERBY to ask leave of absence for himself for ten days. Leave of absence was so granted.

The motion to adjourn till Monday morning was then renewed, and Mr. HOLLAND demanded the ayes and noes thereon, which being taken, the vote stood as follows:

AYES—Messrs. Bedford, Davis of New Madrid, Evans, Fletcher, Folmsbee, Gamble, Gilstrap, Harris, Henderson, Holecomb, Leonard, McKernan, Morton, Rohrer, and Weatherby—15.

NOES—Messrs. Bonham, Bush, Clover, Davis of Nodaway, Dodson, D'Oeneh, Drake, Esther, Filley, Foster, Fulkerson, Gilbert of Lawrence, Green, Holdsworth, Holland, Hume, Husmann, King, Linton,

McPherson, Mack, Newgent, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Thilenius, Williams of Scotland, and Mr. President—32.

SICK—Messrs. Childress, Cowden, Meyer, and Mitchell—4.

ABSENT WITH LEAVE—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Hughes, Martin, Nixdorf, Owens, and Williams of Caldwell—11.

ABSENT WITHOUT LEAVE—Messrs. Budd, St. Gem, and Switzler—3.

So the motion to adjourn till Monday was rejected.

On motion of Mr. BONHAM, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. HOLLAND called up his resolution to refer the article on Declaration of Rights, and Mr. Smith's substitute therefor, to a special committee of nine; and the question being on the passage of the same, he demanded the ayes and noes thereon, which being taken, the vote stood as follows:

AYES—Messrs. Bedford, Childress, Dodson, Foster, Gilbert of Lawrence, Gilstrap, Green, Holecomb, Holland, Leonard, Morton, and Mr. President—12.

NOES—Messrs. Bonham, Clover, Davis of Nodaway, Drake, Esther, Folmsbee, Fulkerson, Gamble, Holdsworth, Hume, King, McPherson, Mack, Newgent, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Swearingen, Weatherby, and Williams of Scotland—22.

ABSENT WITH LEAVE—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Hughes, Martin, Nixdorf, Owens, and Williams of Caldwell—11.

ABSENT WITHOUT LEAVE—Messrs. Budd, Davis of New Madrid, D'Oeneh, Evans, Filley, Fletcher, Harris, Henderson, Husmann, Linton, McKernan, Rohrer, St. Gem, Sutton, Switzler and Thilenius—16.

SICK—Messrs. Cowden, Meyers and Mitchell—3.

So the resolution was rejected.

Mr. CLOVER moved that the Sergeant-at-arms be required to bring in all members absent without leave. Agreed to.

Mr. DRAKE offered the following additional rule:

When a quorum is present a call of the house shall not be ordered without the concurrence of at least ten members.

Mr. CLOVER moved that the rules governing this Convention be suspended, so that

the additional rule offered by Mr. Drake could be acted upon. The motion was withdrawn.

**Mr. BONHAM** moved that further proceedings under the call be suspended, which was agreed to.

**Mr. DRAKE** moved that the additional rule offered by him be adopted, which motion was agreed to.

**Mr. CLOVER** moved a call of the house, which motion was sustained, and the following members responded to their names:

Messrs. Bedford, Bonham, Budd, Bush, Clover, Davis of New Madrid, Davis of Nodaway, Dodson, D'Oench, Drake, Esther, Filley, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Green, Harris, Henderson, Holcomb, Holdsworth, Holland, Hume, Husmann, King, Leonard, McKernan, McPherson, Mack, Morton, Newgent, Peck, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzler, Thilenius, Weatherby, and Mr. President—43.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Hughes, Martin, Nixdorf, Owens, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Evans, Fletcher, Linton, Rankin, Rohrer, St. Gem, and Switzler—7.

**SICK**—Messrs. Childress, Cowden, Meyer, and Mitchell—4.

**Mr. FOLMSBEE** moved the suspension of further proceedings under the call of the house.

**Mr. CLOVER** called for the ayes and noes thereon, which being taken, the vote stood as follows:

**AYES**—Messrs. Bonham, Budd, Davis of New Madrid, Drake, Filley, Folmsbee, Fulkerson, Harris, Henderson, Holdsworth, Hume, King, McPherson, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, and Williams of Scotland—22.

**NOES**—Messrs. Bedford, Bush, Clover, Davis of Nodaway, Dodson, D'Oench, Esther, Foster, Gamble, Gilbert of Lawrence, Gilstrap, Green, Holcomb, Holland, Husmann, Leonard, McKernan, Mack, Morton, Newgent, Thilenius, and Mr. President—22.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Hughes, Martin, Nixdorf, Owens, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Evans, Fletcher, Linton, Rohrer, St. Gem, and Switzler—6.

**SICK**—Messrs. Childress, Cowden, Meyer, and Mitchell—4.

So the motion was lost.

The Sergeant-at-arms reported Mr. Linton present and under arrest.

On motion of Mr. FOLMSBEE, Mr. Linton was excused.

**Mr. DRAKE** moved to suspend further proceedings under the call of the house.

**Mr. HUSMANN** demanded the ayes and noes, which being taken, the vote stood as follows:

**AYES**—Messrs. Bonham, Budd, Davis of Nodaway, Drake, Filley, Folmsbee, Fulkerson, Gamble, Harris, Henderson, Holdsworth, Holland, Hume, King, McPherson, Peck, Rankin, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, Williams of Scotland, and Mr. President—24.

**NOES**—Messrs. Bedford, Bush, Clover, Davis of New Madrid, Dodson, D'Oench, Esther, Foster, Gilbert of Lawrence, Gilstrap, Green, Holcomb, Husmann, Leonard, Linton, McKernan, Mack, Morton, Newgent, Smith of Mercer, and Thilenius—21.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Hughes, Martin, Nixdorf, Owens, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Evans, Fletcher, Rohrer, St. Gem, and Switzler—5.

**SICK**—Messrs. Childress, Cowden, Meyer, and Mitchell—4.

So the motion to suspend was agreed to.

**Mr. DRAKE** offered the following amendment to section third of the substitute:

Amend section third by striking out the words “or be hindered in acquiring education, as shall be provided by law.”

**Mr. GREEN** offered the following substitute for section third of the original article and amendment thereto:

SEC. 3. That no person can, on account of color, be disqualified as a witness, or be liable to any other punishment for any offense than that imposed upon others for a like offense; or be subjected, in law, to any other restraints or disqualifications, in regard to any personal rights, than such as are laid upon others under like circumstances.

**Mr. GILSTRAP** demanded the previous question, which was sustained.

The main question having been ordered, which was, “Shall the substitute of Mr. Green be adopted?” **Mr. BUSH** demanded the ayes and noes, and they being taken, the vote stood as follows:

**AYES**—Messrs. Bedford, Bush, Clover, Davis of New Madrid, D'Oench, Drake, Foster, Green, Henderson, Holcomb, Holdsworth, Holland, Husmann, King, Leonard, Linton, McKernan, Rohrer, St. Gem, Thilenius, and Mr. President—21.

**NOES**—Messrs. Bonham, Budd, Davis of Nodaway, Dodson, Esther, Filley, Folms-

bee, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Harris, Hume, McPherson, Mack, Morton, Newgent, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzler, Weatherby, and Williams of Scotland—27.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Hughes, Martin, Nixdorf, Owens, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Evans and Fletcher—2.

**SICK**—Messrs. Childress, Cowden, Meyer, and Mitchell—4.

So the substitute of Mr. Green was rejected.

The question then being on the amendment offered by Mr. Drake, Mr. DRAKE demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Bush, Davis of New Madrid, D'Oench, Drake, Foster, Fulkerson, Green, Harris, Henderson, Holcomb, Holland, Hume, Husmann, King, Leonard, Linton, McKernan, Morton, Rohrer, St. Gem, Switzler, Thilenius, and Mr. President—24.

**NOES**—Messrs. Bonham, Budd, Clover, Davis of Nodaway, Dodson, Esther, Filley, Folmsbee, Gamble, Gilbert of Lawrence; Gilstrap, Holdsworth, McPherson, Mack, Newgent, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, and Williams of Scotland—24.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Hughes, Martin, Nixdorf, Owens, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Evans and Fletcher—2.

**SICK**—Messrs. Childress, Cowden, Meyer, and Mitchell—4.

So the amendment was rejected.

The question then being on the pending amendment offered by Mr. Clover, Mr. STRONG demanded the ayes and noes thereon, which being taken, the vote stood as follows:

**AYES**—Messrs. Bedford, Bonham, Budd, Bush, Clover, Davis of New Madrid, Dodson, D'Oench, Drake, Esther, Filley, Foster, Fulkerson, Gilbert of Lawrence, Gilstrap, Green, Harris, Henderson, Holcomb, Holdsworth, Holland, King, Leonard, Linton, McKernan, McPherson, Morton, Newgent, Rohrer, St. Gem, Thilenius, and Mr. President—32.

**NOES**—Messrs. Davis of Nodaway, Folmsbee, Gamble, Hume, Mack, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzler, Weatherby, and Williams of Scotland—15.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Hughes, Martin, Nixdorf, Owens, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Evans, Fletcher, and Husmann—3.

**SICK**—Messrs. Childress, Cowden, Meyer, and Mitchell—4.

So Mr. CLOVER's amendment was adopted.

Mr. FOSTER asked leave of absence for Mr. Husmann for two days, which was granted.

Mr. BUDD asked to be excused from further duty on the Engrossing Committee; on motion, his request was granted.

On motion, the Convention adjourned until Monday morning next at half-past 9 o'clock.

## FORTY-THIRD DAY.

MONDAY, FEBRUARY 27th, 1865.

Convention met pursuant to adjournment, the President in the Chair.

Prayer by Rev. Mr. Osborne. .

Mr. DRAKE offered the following additional rule:

When, on the final reading of any article, the question shall be on ordering the same to be enrolled as a part of the Constitution, the question shall be taken on each section of the article separately, and such sections thereof as may be ordered to be enrolled shall be referred to the Enrolling Committee, without a question.

Which was laid over under the rules governing the Convention.

Mr. HOLCOMB offered the following amendment to section third of the article on Declaration of Rights, as offered by Mr. Smith of Worth:

Strike out "as shall be provided by law," in sixth line of section third.

Pending which, Mr. GREEN offered the following substitute for section third of the article on Declaration of Rights, as offered by Mr. Smith of Worth, which was read:

**SECTION 3.** That no person can, on account of color, be disqualified as a witness, or be liable to any other punishment than that imposed upon others for like offenses, or be subjected, in law, to any other restraints or disqualifications in regard to any personal rights than such as are laid upon others under like circumstances; but this section cannot be construed so as to prevent the General Assembly from providing, by law, for the education of colored and white children in separate schools.

Which was withdrawn in favor of an amendment offered by Mr. Smith of Worth, which was read:

Add to section third the following: "that this section shall not be so construed as to prevent the General Assembly from providing separate schools for persons of African descent."

The question then being on the amendment, offered by Mr. HOLCOMB, to section third, the amendment was agreed to.

Mr. MACK offered the following as a substitute for an amendment to section third, as offered by Mr. Smith of Worth:

That no person can, on account of color, be disqualified as a witness, or be prevented from contracting for, acquiring, holding, and transmitting property, or be hindered from establishing schools, or having schools established by law, or by their own means acquiring education, or be liable to any other punishment for any offense than that imposed upon others for like offense, or be restricted in the exercise of religious worship, or be subjected, in law, to any other constraints or disqualifications in regard to personal rights than such as are laid upon others under like circumstances.

The question then being on the substitute offered by Mr. Mack to section third, the substitute was not agreed to.

Mr. SWITZLER offered the following as a substitute for the amendment offered by Mr. Smith of Worth, which was read:

Insert after the words "like circumstances," in the eighth line, the following: "but the General Assembly, in any system it may establish for the education of the colored children of the State, shall provide separate schools for them."

Which amendment was not agreed to.

The question then being on the adoption of the amendment of Mr. Smith of Worth, Mr. DRAKE demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Budd, Clover, Cowden, Davis of New Madrid, Esther, Fulkerson, Gamble, Gilstrap, Green, Harris, Holcomb,

Holdsworth, Hughes, Hume, Mack, Newgent, Peck, Rankin, Smith of Worth, Strong, Sutton, Swearingen, Switzler, Weatherby, and Mr. President—25.

**NOES**—Messrs. Bonham, Bush, Davis of Nodaway, Dodson, D'Oench, Drake, Evans, Filley, Folmsbee, Foster, Gilbert of Lawrence, Henderson, Holland, King, Leonard, Linton, McKernan, McPherson, Morton, Owens, Rohrer, St. Gem, Smith of Mercer, and Williams of Scotland—24.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Grammer, Husmann, Martin, Nixdorf, and Williams of Caldwell—9.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Fletcher, Gilbert of Platte, and Thilenius—4.

**SICK**—Messrs. Childress, Meyer, and Mitchell—3.

So the amendment of Mr. Smith of Worth was agreed to.

Mr. GREEN offered the following amendment:

Amend twelfth section by striking out all after the word "State," in the second line, and inserting the following words: "The General Assembly may provide for the incorporation of religious societies, so as to enable them to acquire, hold and transfer, through trustees of their own choosing, such property as may be required for church buildings, parsonages, or burial grounds, and for no other purpose;" and strike out the thirteenth section.

On motion of Mr. SMITH of Mercer, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. OWENS requested to be relieved from further duty on the Judiciary Committee; and on motion, he was so relieved.

On motion of Mr. DAVIS of New Madrid, leave of absence was granted to Mr. Bedford, on account of sickness.

The amendment offered by Mr. Green, to the twelfth and thirteenth sections of the Declaration of Rights, was called up; the question being first upon the amendment to the twelfth section, Mr. ST. GEM demanded the ayes and noes, which being taken, the vote stood as follows:

**AYES**—Messrs. Davis of New Madrid, Gamble, Green, Harris, Holcomb, McKernan, Morton, Owens, Rohrer, and St. Gem—10.

**NOES**—Messrs. Bonham, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Esther, Evans, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holland, Hughes, Hume, King, Leonard, McPherson, Mack, Newgent, Peck, Rankin, Smith of Worth, Strong, Sutton, Swearingen, Thilenius, Williams of Scotland, and Mr. President—29.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Husmann, Martin, Nixdorf, Weatherby, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Bush, D’Oench, Filley, Fletcher, Foster, Gilstrap, Holdsworth, Linton, Smith of Mercer, and Switzler—11.

**SICK**—Messrs. Bedford, Childress, Meyer, and Mitchell—4.

So the amendment of Mr. Green to the twelfth section was rejected.

Mr. GREEN then withdrew that part of his amendment relative to section thirteen.

The question then being on adopting the substitute of Mr. Smith of Worth for the article on Declaration of Rights, offered by Mr. Bush, Mr. ST. GEM demanded the ayes and noes thereon, and the vote being taken stood as follows:

**AYES**—Messrs. Bonham, Clover, Cowden, Davis of Nodaway, Drake, Esther, Evans, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Green, Henderson, Holland, Hughes, Hume, King, Leonard, McPherson, Mack, Morton, Newgent, Peck, Rankin, Rohrer, Smith of Worth, Strong, Sutton, Swearingen, and Thilenius—31.

**NOES**—Messrs. Davis of New Madrid, Dodson, Harris, Holecomb, McKernan,

Owens, St. Gem, Williams of Scotland, and Mr. President—9.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Ellis, Gilbert of Platte, Grammer, Husmann, Martin, Nixdorf, Weatherby, and Williams of Caldwell—11.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Bush, D’Oench, Filley, Fletcher, Holdsworth, Linton, Smith of Mercer, and Switzer—10.

**SICK**—Messrs. Bedford, Childress, Meyer, and Mitchell—4.

So the substitute as offered by Mr. Smith of Worth was adopted.

Mr. STRONG offered the following amendment, which was read and agreed to:

Amend section nine by adding after the last word “State,” the words “or with the rights of others.”

On motion of Mr. DRAKE, the article on Declaration of Rights was laid on the table for the present.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole to consider amendments to the Constitution. After some time spent therein the President resumed the chair, and Mr. FILLEY reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on the Legislative Department, but had come to no resolution thereon.

On motion of Mr. FILLEY, the Convention adjourned until to-morrow morning at half-past 9 o’clock.

## FORTY-FOURTH DAY.

TUESDAY, FEBRUARY 28th, 1865.

Convention met pursuant to adjournment, the President in the chair.

The following gentlemen were excused for being absent yesterday afternoon: Messrs. D’Oench, Holdsworth, and Linton.

Mr. Fletcher was excused from attendance on yesterday, on account of sickness.

On motion of Mr. LINTON, leave of absence, for one day, was granted to the Sergeant-at-arms.

Mr. GILBERT of Lawrence asked for leave of absence for this day. Leave granted.

Mr. DRAKE called up the additional rule, offered by him yesterday, and the question being on its adoption, Mr. HOLLAND demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Cowden, Davis of Nodaway, Drake, Ellis, Evans, Folmsbee, Fulkerson, Gilbert of Lawrence, Holdsworth, King, McPherson, Mack, Peck, Smith of Mercer, Strong, Sutton, and Williams of Scotland—18.

**NOES**—Messrs. Bush, Davis of New Madrid, Dodson, D’Oench, Esther, Fletcher,

Foster, Gamble, Gilbert of Platte, Gilstrap, Green, Harris, Henderson, Holecomb, Holland, Hughes, Hume, Leonard, Linton, McKernan, Morton, Newgent, Owens, Rohrer, St. Gem, Smith of Worth, Swearingen, Switzler, and Mr. President—29.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Grammer, Martin, Nixdorf, Weatherby, and Williams of Caldwell—8.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Clover, Filley, Husmann, Rankin, and Thilenius—6.

**SICK**—Messrs. Bedford, Childress, Meyer, and Mitchell—4.

So the additional rule was rejected.

On motion of Mr. OWENS, the Convention adjourned until half-past two o'clock, P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. BONHAM moved to take up the report of the Committee on Loyalty, which motion was temporarily withdrawn.

Mr. ST. GEM asked leave of absence for six days, which was granted.

Mr. FOSTER asked leave of absence for this evening, which was granted.

Mr. OWENS offered the following resolution:

*Resolved*, That this Convention will adjourn *sine die* on the 20th day of March, 1865.

Mr. PECK offered the following substitute therefor:

*Resolved*, That this Convention adjourn *sine die* so soon as our work is done, and well done, and not before.

Which was decided out of order.

Mr. NEWGENT offered the following amendment to the resolution offered by Mr. Owens:

Strike out “March 20, 1865,” and insert in lieu thereof, April 1, 1865.”

On which Mr. GILSTRAP demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Davis, of New Madrid, Dodson, Fletcher, Foster, Gilbert of Platte, Gilstrap, Green, Harris, Hughes, Linton, Newgent, Owens, St. Gem and Switzler—14.

**NOES**—Messrs. Bonham, Budd, Clover, Cowden, Davis of Nodaway, Drake, Ellis, Esther, Evans, Folmsbee, Fulkerson, Gamble, Henderson, Holecomb, Holdsworth,

Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Morton, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Williams of Scotland, and Mr. President—32.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Gilbert of Lawrence, Grammer, Martin, Nixdorf, Weatherby, and Williams of Caldwell—9.

**ABSENT WITHOUT LEAVE**—Messrs. Bush, D’Oench, Filley, Husmann, Rohrer, and Thilenius—6.

**SICK**—Messrs. Bedford, Childress, Meyer, and Mitchell—4.

So the amendment offered by Mr. Newgent was rejected.

The question then being on the resolution offered by Mr. OWENS, Mr. GILSTRAP demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, Davis of New Madrid, D’Oench, Fletcher, Foster, Gilbert of Platte, Gilstrap, Green, Harris, Morton, Newgent, Owens, St. Gem, and Switzler—14.

**NOES**—Messrs. Bonham, Budd, Clover, Cowden, Davis of Nodaway, Dodson Drake, Ellis, Esther, Evans, Folmsbee, Fulkerson, Gamble, Henderson, Holdsworth, Holland, Hughes, Hume, King, Leonard, Linton, McKernan, McPherson, Mack, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Williams of Scotland, and Mr. President—34.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Gilbert of Lawrence, Grammer, Martin, Nixdorf, Weatherby, and Williams of Caldwell—9.

**ABSENT WITHOUT LEAVE**—Messrs. Filley, Husmann, Rohrer, and Thilenius—4.

**SICK**—Messrs. Bedford, Childress, Meyer, and Mitchell—4.

So the resolution was rejected.

On motion of Mr. OWENS, the report of the Committee on Loyalty was made the special order of the day for to-morrow.

On motion of Mr. GILSTRAP, the Convention resolved itself into a Committee of the Whole, to take under consideration amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. BONHAM reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the articles on the Legislative Department and the Executive Department, but had come to no resolution thereon.

On motion of Mr. GREEN, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## FORTY-FIFTH DAY.

WEDNESDAY, MARCH 1st, 1865.

Convention met pursuant to adjournment, the President in the Chair.

Prayer by Rev. Mr. McCook.

On request of Mr. HUSMANN, he was excused for being absent yesterday.

The special order for the day being the report of the Committee on Loyalty of Members, the case of Thomas B. Harris was taken up.

Pending which, Mr. FOSTER offered the following resolution:

*Resolved*, That that portion of the report of the Committee on Loyalty of Members contained in these words, to-wit—"The Committee on Loyalty of Members beg leave to report that they have had under consideration the case of Thomas B. Harris, of Callaway county, and are of the opinion that he is disloyal"—be adopted.

Pending which, Mr. LINTON offered the following, as a substitute:

*Resolved*, That facts in the case of T. B. Harris, Esq., charged with disloyalty, do not justify his expulsion from this body.

Mr. OWENS offered the following:

*Resolved*, That this Convention may, with the concurrence of two-thirds of its members, expel a member; but no member shall be expelled a second time for the same offense.

Mr. BONHAM offered the following amendment to the resolution offered by Mr. Owens :

Amend by striking out the word "two-thirds," and insert "majority of the members elected to this Convention."

On which Mr. BONHAM demanded the ayes and noes, and the vote being taken stood as follows:

AYES—Messrs. Bonham, Bush, Childress, Davis of Nodaway, Dodson, Drake, Ellis, Filley, Fletcher, Folmsbee, Foster, Fulker-  
son, Gilbert of Lawrence, Henderson, Hol-  
comb, Holdsworth, Holland, Hume, Leon-  
ard, McKernan, McPherson, Peck, Rankin,  
Smith of Mercer, Strong, Sutton, Thilenius,  
and Williams of Scotland—28.

NOES—Messrs. Bedford, Cowden, Davis of New Madrid, D'Oench, Esther, Gamble, Gilbert of Platte, Gilstrap, Green, Hughes, Husmann, King, Linton, Mack, Morton, Newgent, Owens, Rohrer, St. Gem, Smith of Worth, Swearingen, Switzler, and Mr. President—24.

ABSENT WITH LEAVE—Messrs. Adams, Barr, Bunce, Grammer, Martin, Nixdorf, Weatherby, and Williams of Caldwell—8.

ABSENT WITHOUT LEAVE—Messrs. Budd and Evans—2.

SICK—Messrs. Meyer and Mitchell—2.

EXCUSED FROM VOTING—Mr. Harris—1.

So the amendment offered by Mr. BONHAM was adopted.

The question then being on the original resolution as amended, Mr. ST. GEM demanded the ayes and nays thereon, and the vote being taken, stood as follows:

AYES—Messrs. Bonham, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Filley, Fletcher, Folmsbee, Foster, Fulker-  
son, Gilbert of Lawrence, Henderson, Hol-  
comb, Holdsworth, Holland, Hume, King, Leon-  
ard, Linton, McKernan, McPherson, Mack,  
Newgent, Peck, Rankin, Smith of Mercer,  
Smith of Worth, Strong, Sutton, Thilenius,  
Williams of Scotland, and Mr. President—38.

NOES—Messrs. Bedford, Davis of New Madrid, Esther, Gilbert of Platte, Gilstrap, Green, Hughes, Husmann, Morton, Owens, Rohrer, St. Gem, Swearingen, and Switzler—14.

ABSENT WITH LEAVE—Messrs. Adams, Barr, Bunce, Grammer, Martin, Nixdorf, Weatherby, and Williams of Caldwell—8.

ABSENT WITHOUT LEAVE—Messrs. Budd and Evans—2.

SICK—Messrs. Meyer and Mitchell—2.

EXCUSED FROM VOTING—Mr. Harris—1.

So the original resolution, as amended, was adopted.

On motion of Mr. BONHAM, the Convention adjourned until half-past 2 o'clock P. M.

### AFTERNOON SESSION.

Convention met pursuant to adjournment, the Vice President in the chair.

A call of the house being ordered, the following gentlemen responded to their names:

Messrs. Bonham, Budd, Childress, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D'Oench, Drake, Esther, Fletcher, Folmsbee, Foster, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Green, Harris, Henderson, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Morton, Newgent, Owens, Peck,

Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzler, and Thilenius—43.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Grammer, Martin, Nixdorf, St. Gem, Weatherby, and Williams of Caldwell—9.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Bush, Clover, Ellis, Evans, Filley, Fulkerson, Holcomb, Rohrer, Williams of Scotland, and Mr. President—11.

**SICK**—Messrs. Meyer and Mitchell—2.

On motion of Mr. HOLLAND, further proceedings under the call were dispensed with.

On request of Mr. GREEN, leave of absence was granted to him for — days.

Mr. GAMBLE offered the following resolution:

*Resolved*, That Thos. B. Harris be permitted to employ counsel in his defense.

Mr. FOSTER offered the following amendment to said resolution:

Amend by adding, “and that the Convention may employ a prosecuting attorney.”

After debate, Mr. GAMBLE withdrew his resolution.

On motion of Mr. FOSTER, the rule governing the Convention, confining its members to fifteen minutes’ time each in speaking, was suspended for the special benefit of Mr. Harris.

On motion of Mr. KREKEL, the fifteen-minute rule was suspended during the consideration of Mr. Harris’ case.

Mr. DRAKE offered the following resolution:

*Resolved*, That the case of Mr. Harris be recommitted to the select committee, with authority to receive additional evidence for and against him, and with instructions to report such additional evidence at as early a day as practicable; and that Mr. Harris have

notice of the time and place of taking evidence against him.

Mr. BUSH moved that the case of Mr. Harris be postponed indefinitely; which motion he modified by striking out the word “indefinitely,” and inserting in lieu thereof, “the 4th day of July next.”

Pending which, Mr. GILBERT of Lawrence moved that the Convention adjourn; on which motion, Mr. DRAKE demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Budd, Childress, D’Oench, Ellis, Esther, Foster, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Henderson, Holland, Hughes, Husmann, Mack, Peck, Rankin, Rohrer, Strong, Sutton, Swearingen, Switzler, and Thilenius—22.

**NOES**—Messrs. Bush, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, Drake, Folsombee, Gamble, G’strap, Holcomb, Holdsworth, Hume, King, Leonard, Linton, McPherson, Morton, Newgent, Owens, Smith of Mercer, Smith of Worth, and Mr. President—22.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bunce, Grammer, Green, Martin, Nixdorf, St. Gem, Weatherby, and Williams of Caldwell—10.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Clover, Evans, Fletcher, and Williams of Scotland—7.

**SICK**—Messrs. Bonham, Meyer, and Mitchell—3.

**EXCUSED**—Mr. Harris—1.

So the motion was rejected.

Mr. OWENS moved that all evidence in the Harris case, not properly attested, should, by common consent of the Convention, be considered as properly attested; which motion was disagreed to.

On motion of Mr. FOSTER, the Convention adjourned until half-past 9 o’clock to-morrow morning.

## FORTY-SIXTH DAY.

THURSDAY, MARCH 2d, 1865.

Convention met pursuant to adjournment, the Vice President in the chair.

On request of Mr. KREKEL, he was excused for being absent yesterday at roll call.

Mr. Holdsworth was also excused.

Mr. Evans was excused for being absent yesterday afternoon, on account of sickness.

Mr. KREKEL moved to reconsider the vote

by which the resolution relative to expelling members was adopted yesterday; which motion was withdrawn.

Mr. HUSMANN asked leave of absence for Mr. Bush for this day, which was granted.

Mr. ROHRER asked leave of absence for Mr. Esther for ten days, on account of sickness in his family, which was granted.

Mr. MARTIN asked that the leave of absence granted to the Sergeant-at-arms be extended indefinitely, on account of extreme sickness in his family, which was agreed to.

The motion of Mr. DRAKE to recommit the evidence in, and the motion of Mr. BUSH to postpone, the case of Mr. Harris, made on yesterday afternoon, were called up.

Mr. CLOVER asked for leave of absence for this forenoon, which was granted.

The question then being on postponing further proceedings in the Harris case until July 4, 1865, Mr. HOLLAND demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Davis of New Madrid, Gamble, King, Linton, and Owens—5.

NOES—Messrs. Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D’Oench, Drake, Ellis, Esther, Evans, Filley, Folsombee, Foster, Fulkerson, Gilbert of Lawrence,, Gilbert of Platte, Gilstrap, Henderson, Holcomb, Holdsworth, Holland, Husmann, Leonard, McKernan, McPherson, Mack, Martin, Morton, Newgent, Peck, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzler, Thilenius, Williams of Scotland, and Mr. President—44.

ABSENT WITH LEAVE—Messrs. Adams, Barr, Bush, Grammer, Green, Nixdorf, St. Gem, Weatherby, and Williams of Caldwell—9.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Fletcher, Hughes, and Hume—4.

SICK—Messrs. Meyer and Mitchell—2.

EXCUSED FROM VOTING—Mr. Harris—1.

So the motion to postpone was disagreed to.

Mr. BUDD requested leave of absence for this day, which the Convention refused to grant.

Mr. OWENS offered the following as a substitute for Mr. Drake’s resolution:

*Resolved*, That the case of Mr. Harris be recommitted to the select committee, with authority to receive additional evidence for or against him; and that they shall have power to send for persons and papers, and they shall so examine the witnesses against the accused, and permit him to cross-examine them if he sees fit, and they shall examine all witnesses that the accused may bring before them, and may cross-examine them, and that the accused may be heard, before the committee, by counsel.

Pending which, on request of Mr. BUDD, leave of absence was granted him for this afternoon.

Mr. HOLLAND offered the following as an amendment to Mr. Owens’ resolution:

And that the Committee be required to report as soon as practicable.

Which amendment was accepted by Mr. Owens.

On motion, the Convention adjourned until half-past 2 o’clock, P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

The pending question being on the substitute offered by Mr. Owens for the resolution offered by Mr. Drake, Mr. HOLLAND demanded the ayes and noes thereon, which being taken, the vote stood as follows:

AYES—Messrs. Clover, Gilbert of Platte, and Switzler—3.

NOES—Messrs. Bonham, Bunce, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Ellis, Esther, Folsombee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, Husmann, King, Leonard, McKernan, McPherson, Mack, Morton, Newgent, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Thilenius, Williams of Scotland, and Mr. President—36.

ABSENT WITH LEAVE—Messrs. Adams, Barr, Budd, Bush, D’Oench, Evans, Filley, Fletcher, Grammer, Green, Nixdorf, St. Gem, Weatherby, and Williams of Caldwell—14.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Davis of New Madrid, Gilstrap, Hughes, Hume, Linton, Martin, Owens, and Rohrer—9.

SICK—Messrs. Meyer and Mitchell—2.

EXCUSED FROM VOTING—Mr. Harris—1.

So the substitute was disagreed to.

The question then being on Mr. Drake’s resolution to recommit, Mr. HOLLAND demanded the ayes and noes thereon, and the vote being taken stood as follows:

AYES—Messrs. Clover, Cowden, D’Oench, Drake, Esther, Evans, Gamble, Gilbert of Platte, Gilstrap, King, Linton, Martin, Morton, Owens, Smith of Worth, and Switzler—16.

NOES—Messrs. Bonham, Bunce, Childress, Davis of Nodaway, Dodson, Ellis, Folsombee, Foster, Fulkerson, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, Hughes, Husmann, Leonard, McKernan, McPherson, Mack, Newgent, Peck, Rankin, Rohrer, Smith of Mercer, Strong, Sutton, Swearingen, Thilenius, Williams of Scotland, and Mr. President—31.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Budd, Bush, Grammer, Green, Nixdorf, St. Gem, Weatherby, and Williams of Caldwell—10.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Davis of New Madrid, Filley, Fletcher, and Hume—5.

**SICK**—Messrs. Meyer and Mitchell—2.  
**EXCUSED FROM VOTING**—Mr. Harris—1.

So the resolution was rejected.

The question then recurred on the following resolution, offered by Mr. Foster yesterday:

*Resolved*, That that portion of the report of the Committee on Loyalty of Members contained in these words, to-wit—“The Committee on the Loyalty of Members beg leave to report that they have had under consideration the case of Mr. Thomas B. Harris, of Callaway county, and are of the opinion that he is disloyal”—be adopted—

And for which Mr. Linton had offered the following substitute:

*Resolved*, That the facts in the case of T. B. Harris, Esq., charged with disloyalty, do not justify his expulsion from this body—

Mr. LINTON withdrew his substitute, and Mr. DRAKE offered the following as a substitute for Mr. Foster’s resolution, which was accepted by Mr. Foster:

*Resolved*, That the seat of Thomas B. Harris, a member of this body, be, and the same is hereby, declared vacant.

Mr. OWENS offered the following resolution:

*Resolved*, That this Convention may, with the concurrence of a majority of the members elected to this body, declare a seat of a member vacant.

A call of the house was ordered, and the following gentlemen responded to their names:

Messrs. Bonham, Bunce, Childress, Clover, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D’Oench, Drake, Ellis, Esther, Evans, Filley, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Harris, Henderson, Holcomb, Holdsworth, Holland, Hughes, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Morton, Newgent, Owens, Peck, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzer, Thilenius, Williams of Scotland, and Mr. President—50.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Budd, Bush, Grammer, Green, Nixdorf, St. Gem, Weatherby, and Williams of Caldwell—10.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Fletcher, and Hume—3.

**SICK**—Messrs. Meyer and Mitchell—2.

Mr. PECK moved a suspension of further proceedings under the call, which was agreed to.

Leave of absence was granted to Mr. Rohrer for one day.

On motion of Mr. DRAKE, the Convention adjourned until half-past 9 o’clock to-morrow morning.

## FORTY-SEVENTH DAY.

FRIDAY, MARCH 3d, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Dr. Post.

The following additional rule was offered by Mr. DRAKE:

When the previous question shall be moved, but shall not be demanded by two-thirds of the members present, the pending matter shall not thereby go over to another day, but the Convention may immediately proceed with the matter, as if the previous question had not been moved.

Mr. HUME was excused for being absent yesterday, on account of sickness.

Mr. CLOVER moved the previous question, on which motion, Mr. OWENS demanded the

ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Budd, Bunce, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Morton, Newgent, Nixdorf, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, and Williams of Scotland—39.

**NOES**—Messrs. Clover, Davis of New Madrid, Fletcher, Gilbert of Platte, Harris, Morton, Owens, Switzer, and Mr. President—9.

**ABSENT WITH LEAVE**—Messrs. Adams,

Barr, Esther, Grammer, Green, Rohrer, St. Gem, Weatherby, and Williams of Caldwell—9.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Bush, D'Oench, Filley, Gilstrap, and Thilenius—6.

**SICK**—Messrs. Meyer and Mitchell—2.

So the previous question was sustained.

The question then being on the additional rule offered by Mr. Drake, Mr. DRAKE called for the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Budd, Bunce, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Newgent, Nixdorf, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, and Williams of Scotland—41.

**NOES**—Messrs. Davis of New Madrid, Gilbert of Platte, Harris, Owens, Switzler, and Mr. President—6.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Esther, Grammer, Green, Rohrer, St. Gem, Weatherby, and Williams of Caldwell—9.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, D'Oench, Filley, Fletcher, Gilstrap, Morton, and Thilenius—7.

**SICK**—Messrs. Meyer and Mitchell—2.

So the additional rule was adopted.

Mr. HOLCOMB called up the following resolution, offered by him yesterday:

*Resolved*, That the Secretary of this Convention be allowed ten cents for each and every hundred words and figures of the proceedings of this Convention, copied on the journal, and that he be paid out of the fund appropriated to defray the expenses of this body.

To which Mr. DRAKE offered the following as a substitute:

*Resolved*, That the Secretary of this Convention be allowed, after the final adjournment of the Convention, ten cents for each hundred words and figures of the journal of this body, furnished by him for the printing thereof.

Which was adopted as a substitute, and agreed to.

Mr. HUGHES offered the following resolution:

*Resolved*, That when this Convention adjourns on Friday afternoon, March 3, 1865, it adjourn to meet in the Hall of Representatives of Jefferson City, on Tuesday, March 7, at 10 o'clock A. M.

Which was read, and, on motion, laid over.

A communication from the Lyon League of Howard county, Missouri, dated Glasgow, Missouri, February 26, 1865, denouncing the acts of certain persons, and relative to, and sustaining the action of, the Missouri State Convention, signed by sixty members, was read for information, and laid on the table.

On the request of Mr. GILBERT of Platte, leave of absence was granted him until Thursday next.

On motion of Mr. FOSTER, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. GILBERT of Lawrence moved that the Sergeant-at-arms be interrogated by Mr. Folmsbee relative to certain evidence taken by him in the Harris case; which motion was withdrawn.

The resolution offered by Mr. Hughes, relative to the adjournment to Jefferson City, was taken up.

Mr. OWENS offered the following amendment thereto:

And that the members shall not be entitled to per diem for Saturday, Sunday and Monday, nor any mileage in going to or returning from Jefferson City.

Mr. OWENS moved the previous question, which was sustained.

The question then being on the amendment offered by Mr. Owens to the resolution of Mr. Hughes, Mr. OWENS demanded the ayes and noes thereon, which being taken, the vote stood as follows:

**AYES**—Messrs. Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Folmsbee, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Harris, Hughes, Linton, Mack, Martin, Owens, Peck, Rankin, Smith of Mercer, Strong, Switzler, and Williams of Scotland—23.

**NOES**—Messrs. Bush, Dodson, Drake, Ellis, Evans, Filley, Foster, Fulkerson, Gamble, Henderson, Holeomb, Holdsworth, Holland, Hume, Husmann, King, McKernan, McPherson, Meyer, Morton, Newgent, Nixdorf, Rohrer, Smith of Worth, Sutton, Swearingen, Thilenius, and Mr. President—28.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Esther, Grammer, Green, St. Gem, Weatherby, and Williams of Caldwell—8.

**SICK**—Mr. Mitchell—1.

**ABSENT WITHOUT LEAVE**--Messrs. Bedford, Davis of New Madrid, D'Oench, Fletcher, and Leonard--5.

So the amendment was rejected.

Mr. OWENS moved the previous question, on which he demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**--Messrs. Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Filley, Folusbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Harris, Henderson, Holecomb, Holdsworth, Hume, King, McPherson, Mack, Martin, Meyer, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Smith of Mercer, Strong, Sutton, Switzler, Williams of Scotland, and Mr. President--40.

**NOES**--Messrs. Bush, Foster, Holland, Hughes, Husmann, Linton, McKernan, Rohrer, Smith of Worth, Swearingen, and Thilenius--II.

**ABSENT WITH LEAVE**--Messrs. Adams, Barr, D'Oench, Esther, Grammer, Green, St. Gem, Weatherby, and Williams of Caldwell--9.

**ABSENT WITHOUT LEAVE**--Bedford, Davis of New Madrid, Fletcher, and Leonard--1.

**SICK**--Mr. Mitchell--1.

So the previous question was sustained.

The question then being on the resolution offered by Mr. Hughes, relative to adjourning to Jefferson City, Mr. BONHAM demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**--Messrs. Bunce, Bush, Davis of New Madrid, Foster, Gilbert of Lawrence, Gilstrap, Holcomb, Holland, Hughes, Hume, Husmann, McKernan, Nixdorf, Rankin,

Rohrer, Smith of Worth, Thilenius, and Williams of Scotland--18.

**NOES**--Messrs. Bonham, Budd, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Platte, Harris, Henderson, Holdsworth, King, Linton, McPherson, Mack, Martin, Meyer, Morton, Newgent, Owens, Peck, Smith of Mercer, Strong, Sutton, Swearingen, Switzler, and Mr. President--34.

**ABSENT WITH LEAVE**--Messrs. Adams, Barr, D'Oench, Esther, Grammer, Green, St. Gem, Weatherby, and Williams of Caldwell--9.

**ABSENT WITHOUT LEAVE**--Messrs. Bedford, Fletcher, and Leonard--3.

**SICK**--Mr. Mitchell--1.

So the resolution was rejected.

On request of Mr. FOSTER, leave of absence was granted him for two days.

On request of Mr. STRONG, leave of absence was granted him for one day.

On motion of Mr. DRAKE, the invitation from the Mayor of St. Louis and the Chamber of Commerce, to the members of this Convention, to participate in the celebration and procession, on March 4, 1865, was unanimously accepted.

On request of Mr. EVANS, leave of absence was granted him for three days.

On request of Mr. BEDFORD, leave of absence was granted him for ten days, on account of sickness in his family.

On motion of Mr. MARTIN, the Convention adjourned until half-past 9 o'clock, Monday morning.

## FORTY-EIGHTH DAY.

MONDAY, MARCH 6th, 1865.

### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the Chair.

Mr. LINTON offered the following substitute to the pending resolution of Mr. Drake:

*Resolved*, That Thomas B. Harris, Esq., be, and he is hereby, expelled from a seat in this Convention.

Mr. OWENS, of the Committee on Judiciary, offered the following minority report:

MR. PRESIDENT--The undersigned, a member of the Committee on the Judiciary Department, beg leave to report that he dissents from the report of the majority of the committee, and he hopes the Conven-

The Convention met pursuant to adjournment, the Vice President in the chair.

Prayer by Rev. Mr. Bradley.

On request of Mr. NIXDORF, leave of absence was granted to Mr. McKernan for two days.

The resolution of Mr. DRAKE, relative to vacating the seat of Mr. Thomas B. Harris, was called up.

Mr. HUGHES moved the previous question, which was not sustained; and the Convention proceeded with the consideration of the pending question.

On motion of Mr. SWITZLER, the Convention adjourned until half-past 2 o'clock P. M.

tion will not adopt the "ordinance" recommended by the committee.

JAS. W. OWENS.

Mr. DRAKE moved the previous question, which was seconded, and the main question ordered, and under the operation thereof the substitute offered by Mr. LINTON was rejected by the following vote:

AYES—Messrs. Budd, Childress, Clover, Cowden, Davis of New Madrid, D'Oench, Gamble, Hughes, Linton, Mack, Martin, Morton, Owens, Switzler, and Mr. President—15.

NOES—Messrs. Barr, Bonham, Budd, Bunce, Davis of Nodaway, Dodson, Drake, Ellis, Filley, Fletcher, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, Hume, King, Leonard, McPherson, Newgent, Nixdorf, Peck, Rankin, Rohrer, Smith of Mercer, Sutton, Swearingen, Thilenius, and Williams of Caldwell—31.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Esther, Evans, Foster, Gilbert of Platte, Grammer, Green, McKernan, Smith of Worth, Strong, and Weatherby—12.

ABSENT WITHOUT LEAVE—Messrs. Husmann, Meyer, St. Gem, and Williams of Scotland—4.

SICK—Mr. Mitchell—1.

EXCUSED FROM VOTING—Mr. Harris—1.

PAIRED OFF—Messrs. Gilstrap and Strong—2.

A call of the house was then ordered, and the following gentlemen responded to their names:

Messrs. Barr, Bonham, Budd, Bunce, Bush, Childress, Clover, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Filley, Fletcher, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, King, Leonard, Linton, McPherson, Mack, Martin, Meyer, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, Smith of Mercer, Sutton, Swearingen, Switzler, Thilenius, Williams of Caldwell, and Mr. President—48.

ABSENT WITH LEAVE—Messrs. Bedford, Esther, Evans, Foster, Gilbert of Platte, Grammer, Green, McKernan, Smith of Worth, Strong, and Weatherby—12.

ABSENT WITHOUT LEAVE—Messrs. Harris, Husmann, St. Gem, and Williams of Scotland—4.

SICK—Mr. Mitchell—1.

On motion of Mr. DRAKE, further proceedings under the call were dispensed with.

The question then being on the resolution offered by Mr. DRAKE, as amended, to-wit:

*Resolved*, That the seat of Thomas B. Harris, a member of this body, be and the same is hereby vacated, and that his name be struck from the roll of the Convention.

Mr. OWENS demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bonham, Bunce, Davis of Nodaway, Dodson, Drake, Ellis, Filley, Fletcher, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, Hume, Leonard, McPherson, Newgent, Nixdorf, Peck, Rankin, Rohrer, Smith of Mercer, Sutton, Swearingen, Thilenius, Williams of Caldwell, and Mr. President—30.

NOES—Messrs. Budd, Bush, Childress, Clover, Cowden, Davis of New Madrid, D'Oench, Gamble, Hughes, King, Linton, Mack, Martin, Morton, Owens, and Switzler—16.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Esther, Evans, Foster, Gilbert of Platte, Grammer, Green, McKernan, Smith of Worth, Strong, and Weatherby—12.

ABSENT WITHOUT LEAVE—Messrs. Husmann, Meyer, St. Gem, and Williams of Scotland—4.

SICK—Mr. Mitchell—1.

EXCUSED FROM VOTING—Mr. Harris—1.

PAIRED OFF—Messrs. Gilstrap and Strong.

The Convention refused to excuse Mr. Gilstrap from voting, on account of having paired off with Mr. Strong, who was then absent. Mr. Gilstrap thereupon refused to vote.

So the resolution was adopted.

Mr. CLOVER, Chairman of the special committee to which was referred the resolution relative to the St. Gem case, presented the following report:

The special committee to whom was referred the resolutions respecting the case of Gustavus St. Gem, member of the Convention from the Twenty-third Senatorial District, charged with the utterance of certain declarations respecting the Convention, at a public meeting held at Turner Hall, in the city of St. Louis, on the 18th day of February last, respectfully report:

That Mr. St. Gem, having emphatically disclaimed, to the committee as well as to the Convention, any offensive or disrespectful meaning toward the Convention in the expressions made use of by him on the occasion referred to, your committee recommend that no further action be taken in the matter, and ask to be discharged from the further consideration of the case.

(Signed)                   H. A. CLOVER,  
                                 M. L. LINTON,  
                                 J. WILLIAMS,

March 6, 1865.           A. G. NEWGENT.

On motion of Mr. HOLLAND, the report, as offered by Mr. Clover, was received and adopted.

On motion of Mr. HOLLAND, the Convention adjourned till half-past 9 o'clock tomorrow morning.

## FORTY-NINTH DAY.

TUESDAY, MARCH 7th, 1865.

Convention met pursuant to adjournment, the President in the chair.

On request of Mr. BUDD, leave of absence was granted him for this day.

On request of Mr. BUSH leave of absence was granted to Mr. Husmann for two days.

On motion of Mr. BUSH, the article on Banks and Corporations was taken up and read a second time by its title.

Mr. DRAKE moved that the article on Banks and Corporations be referred to the Committee of the Whole; which motion was disagreed to.

On motion of Mr. BUSH, the article on Banks and Corporations was laid over temporarily.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to take into consideration amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. BARR reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on the Executive Power, and reported the same back to the Convention, with amendments; also, had had under consideration the article on the Legislative Department, but had come to no resolution thereon.

Mr. LINTON offered the following preamble and resolution:

WHEREAS, Several articles have appeared in a daily paper, called the *Missouri Republican*, of this city, charging with disloyalty Messrs. Newgent, Fulkerson, Holcomb and Holland, members of this Convention;

*Resolved*, That the Special Committee on Loyalty be instructed to inquire into the truth or falsity of said charges, and report to this body at as early a day as possible.

Mr. DRAKE moved to lay on the table the preamble and resolution offered by Mr. Linton; on which motion he demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Bonham, Clover, Cowden, Dodson, Drake, King, McPherson, Mack, Peck, Sutton, and Williams of Scotland—11.

NOES—Messrs. Barr, Bunce, Bush, Childress, Davis of Nodaway, D’Oench, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap,

Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, Linton, Morton, Newgent, Nixdorf, Rankin, St. Gem, Strong, and Mr. President—24.

ABSENT WITH LEAVE—Messrs. Adams, Budd, Esther, Evans, Foster, Gilbert of Platte, Grammer, Green, Husmann, McKernan, Smith of Worth, and Weatherby—12.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Davis of New Madrid, Ellis, Filley, Fletcher, Folmsbee, Leonard, Martin, Meyer, Owens, Rohrer, Smith of Mercer, Swearingen, Switzler, Thilenius, and Williams of Caldwell—16.

SICK—Mr. Mitchell—1.

So the motion was rejected.

On motion of Mr. GILBERT of Lawrence, the Convention adjourned until half-past 2 o'clock P. M.

### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. HOLLAND offered the following amendment to the resolution of Mr. Linton:

Strike out all after the word “charges,” in ninth line, and insert, “and that the committee be instructed to keep the following notice in the *Missouri Republican* for two weeks, viz:

“Any person knowing any act or word of disloyalty committed or spoken by Messrs. Newgent, Fulkerson, Holcomb or Holland, at any time since the beginning of this rebellion, will please transmit the evidence thereof, under oath, to the undersigned committee without delay.”

And the committee are hereby further instructed, in case they find good reasons for suspecting that said gentlemen, or any one of them, have not *always in good faith opposed the rebellion*, to report to this Convention all the evidence in the case. And the committee are further instructed that statements under oath will be received as evidence for and against the accused.

Mr. DRAKE moved the indefinite postponement of Mr. Linton’s resolution, and the amendment offered by Mr. Holland; on which he demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Bonham, Bunce, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson D’Oench, Drake, Filley, Folmsbee, Gilbert of Lawrence, Henderson, Holdsworth, Hughes, Hume, King, Mc-

Pherson, Mack, Meyer, Morton, Nixdorf, Peck, Rankin, Smith of Mercer, Sutton, Swearingen, Switzler, Williams of Caldwell, Williams of Scotland, and Mr. President—32.

**NOES**—Messrs. Fletcher, Gamble, Leonard, Martin, Owens, Rohrer, St. Gem, and Strong—8.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Budd, Esther, Evans, Foster, Gilbert of Platte, Grammer, Green, Husmann, McKernan, Smith of Worth, and Weatherby—13.

**ABSENT WITHOUT LEAVE**—Messrs. Barr, Davis of New Madrid, Ellis, Gilstrap, Linton, and Thilenius—6.

**NOT VOTING**—Messrs. Fulkerson, Holcomb, Holland, and Newgent—4.

**SICK**—Mr. Mitchell—1.

So the motion was agreed to.

Mr. MARTIN requested to be relieved from further duty on the Committee on Loyalty.

On motion of Mr. FOLMSBEE, Mr. Martin was so relieved.

Mr. BUSH was, by order of the President, added to the Committee on Loyalty.

On motion of Mr. DRAKE, the article on the Executive Power, with the amendments as reported back from the Committee of the Whole, was taken up; and on which, the following amendments to section third were read:

Amend section third by inserting after the word “Governor,” in the first line, the words “elected at the general election in the year one thousand eight hundred and sixty-eight, and each Governor thereafter elected;” and by striking out the word “four,” and inserting in lieu thereof the word “two.” And in line three, by striking out the word “electors,” and inserting in lieu thereof the word “voters.”

The question then being on this amendment, Mr. OWENS demanded the ayes and noes thereon, which being taken, the vote stood as follows:

**AYES**—Messrs. Barr, Bonham, Childress, Clover, Cowden, Davis of Nodaway, Drake, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Linton, McPherson, Mack, Morton, Newgent, Nixdorf, Rankin, Rohrer, St. Gem, Sutton, Williams of Caldwell, Williams of Scotland, and Mr. President—26.

**NOES**—Messrs. Bunce, Bush, Dodson, D’Oench, Fletcher, Gamble, Gilstrap, Holcomb, Leonard, Linton, Martin, Meyer, Morton, Newgent, Smith of Mercer, Strong, Swearingen, and Switzler—18.

**ABSENT WITH LEAVE**—Messrs. Adams, Budd, Esther, Evans, Foster, Gilbert of

Platte, Grammer, Green, Husmann, McKernan, Smith of Worth, and Weatherby—12.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Davis of New Madrid, Ellis, Filley, Hughes, Owens, and Thilenius—7.

**SICK**—Mr. Mitchell—1.

So the amendment was agreed to.

On motion, the second amendment was agreed to.

The following amendment to section fourth, reported back, was read:

Amend by striking out section fourth and insert the following: “Section 4. The Governor shall not be eligible to office more than four years in six.”

To which Mr. STRONG offered the following substitute:

Amend section four, by striking out the word “four,” and inserting the word “two.”

The question then being on the substitute offered by Mr. Strong, Mr. WILLIAMS of Caldwell demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, Dodson, Gamble, Gilstrap, Holcomb, Meyer, Strong, Sutton, and Mr. President—9.

**NOES**—Messrs. Bonham, Bunce, Childress, Cowden, Davis of Nodaway, Drake, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Linton, McPherson, Mack, Morton, Newgent, Nixdorf, Rankin, Rohrer, Swearingen, Switzler, Williams of Caldwell, and Williams of Scotland—25.

**ABSENT WITH LEAVE**—Messrs. Adams, Barr, Bedford, Budd, Esther, Evans, Foster, Gilbert of Platte, Grammer, Green, Husmann, McKernan, Smith of Worth, and Weatherby—14.

**ABSENT WITHOUT LEAVE**—Messrs. Clover, Davis of New Madrid, D’Oench, Ellis, Filley, Fletcher, Folmsbee, Hughes, Leonard, Martin, Owens, Peck, St. Gem, Smith of Mercer, and Thilenius—15.

**SICK**—Mr. Mitchell—1.

So the substitute was rejected.

Mr. GILSTRAP moved to adjourn, which motion was disagreed to.

The question then being on the original amendment, as reported back from the Committee of the Whole, it was agreed to.

On motion of Mr. GILSTRAP, the Convention adjourned until half-past 9 o’clock to-morrow morning.

## FIFTIETH DAY.

WEDNESDAY, MARCH 8th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Bradley.

Mr. FOSTER requested leave to record his vote on the expulsion of Mr. Harris, for the reason that he had paired off with Mr. Hughes, whom the Convention had required to vote while he (Mr. Foster) was absent; which was granted, and he voted aye.

On request of Mr. MORTON, leave of absence was granted him for one week.

Mr. WILLIAMS of Scotland requested, on account of absence when the vote was taken, to record his vote on the expulsion of Mr. Harris; which was not granted.

Mr. GILSTRAP, chairman of the committee on the mode of amending the Constitution, presented the following report:

MR. PRESIDENT: A majority of the committee have instructed me to report the accompanying article on the mode of amending the Constitution. There was some diversity of opinion as to some of the changes introduced, and not such an agreement as is desirable.

The article provides for proposing amendments by a majority of the members elected to each House of the General Assembly, a specific mode of publication, and for the ratification of these amendments by a direct vote of the people upon each amendment separately, in such manner as the General Assembly may provide.

This method of ratification has much to recommend it. The voices of the voters are equally counted in ascertaining the majority, which is not the case when the ratification is by the General Assembly. By going directly to the people with these amendments, there can be no mistaking the public will; nor can there be ground for any complaint; a majority of the legal voters will certainly rule in the formation of the organic law.

The third section simply declares the right of the people to bind a convention by the organic act, and secures the effective operation of the bill of rights in behalf of the people; and to that end, requires an oath to support the Constitution of the United States and of the State of Missouri, and faithfully to demean themselves as delegates to such convention. Conventions are delegated bodies, and hence should be responsible, under the law, to the people.

All of which are respectfully submitted.  
A. L. GILSTRAP, Chairman.

## ARTICLE —.

*Mode of Amending and Revising the Constitution.*

SECTION 1. The Constitution may be amended and revised in pursuance of the provisions of this article.

SEC. 2. The General Assembly, at any time, may propose such amendments to this Constitution as a majority of the members elected to each house shall deem expedient; and the vote thereon shall be taken by ayes and noes, and entered, in full, on the journals; and the proposed amendments shall be published with the laws of that session, and also shall be published weekly in two newspapers, if such there be, within each congressional district in the State, having the largest circulation therein, for four months next preceding the general election then next coming. The proposed amendments shall be submitted to a vote of the people—each amendment separately—at the next general election thereafter, in such manner as the General Assembly may provide; and if a majority of the qualified voters of the State, voting for and against any one of said amendments, shall vote for such amendment, the same shall be deemed and taken to have been ratified by the people, and shall be valid and binding, to all intents and purposes, as parts of this Constitution.

SEC. 3. All conventions hereafter organized in this State shall be bound by the terms of the organic act calling such convention, not inconsistent with the Constitution and laws of the United States; and each member shall take an oath to support the Constitution of the United States, and of the State of Missouri, and to faithfully demean himself as a delegate in said Convention.

The foregoing article was read the first and second time by its title, and ordered to be printed.

Mr. GILSTRAP offered the following substitute for section third of the article on Elections and the Qualifications of Voters, Civil Officers, and others, which was read, and ordered to be printed, and referred to the Committee of the Whole:

SEC. 3. That no person, disqualified under the provisions of this section, shall be deemed to be a qualified voter at any election, under the Constitution and laws of this State, or be qualified to hold any office of profit or trust thereunder; or be permitted to practice as an attorney or claim agent, or become a teacher in any public school, or

allowed to solemnize the rights of matrimony, or to act as an officer in any corporation within this State.

*First*—All persons who have been, or who hereafter may be, voluntarily engaged in any armed insurrection or rebellion, or in any armed hostile array, against the government of the United States, or of the State of Missouri.

*Second*—All persons who have been, or who hereafter may be, voluntarily engaged in giving aid and comfort to any person or persons described in the preceding subdivision.

*Third*—All persons who have been, or who hereafter may be, voluntarily acting with any armed band of partisans, guerrillas, marauders, or (so-called) bushwhackers, in violation of the laws of the United States, or of the State of Missouri; and all persons who have been, or who hereafter may be, voluntarily engaged in giving aid and comfort to any person or persons acting with any such armed band, so in violation of said laws.

*Fourth*—All persons who have, or who hereafter may have, since the tenth day of June, A. D. 1862, voluntarily adhered to the cause of the (so-called) Confederate States of America: *Provided*, That any person who may be disqualified, under the first or second subdivision of this section, for acts done, or words spoken or written, prior to the said tenth day of June, A. D. 1862, and who, prior to said day, shall have taken the benefit of any proclamation of pardon or of amnesty, in relief therefrom, issued under the authority of the President of the United States, or of the Governor of the State of Missouri, or under any ordinance of her Convention, and who shall have continued faithfully to keep and observe the conditions thereof, shall be relieved and excepted from all disqualifications under this section: *and provided further*, That any person who may be disqualified, under the provisions of the first, second or fourth subdivision of this section, prior to the tenth day of May, A. D. 1865, and who shall have, prior to that day, volunteered into the military service of the United States, and shall faithfully serve therein for the period of twelve months, unless sooner discharged, shall be relieved from such disqualification.

On request of Mr. THILENIUS, he was excused for being absent yesterday afternoon, on account of sickness.

Mr. CLOVER, Chairman of the Committee on the Judicial Department, reported the following article, which was read the first and second time by its title, and ordered to be printed:

#### ARTICLE V.

##### *Of the Judicial Department.*

SECTION 1. The judicial power, as to matters of law and equity, shall be vested in a

supreme court, in circuit courts, and in such inferior tribunals as the General Assembly may, from time to time, establish.

SEC. 2. The supreme court, except in cases otherwise directed by the Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under the restrictions and limitations in this Constitution provided.

SEC. 3. The supreme court shall have a general superintending control over all inferior courts of law. It shall have power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, and original remedial writs, and to hear and determine the same.

SEC. 4. The supreme court shall consist of five judges, any three of whom shall be a quorum, and the said judges shall be conservators of the peace throughout the State.

SEC. 5. The State shall be divided into convenient districts, not to exceed four, in each of which the supreme court shall hold two sessions annually, at such time and place as the General Assembly may appoint; and, when sitting in either district, it shall exercise jurisdiction over causes originating in that district only; but the General Assembly may direct, by law, that the said court shall be held at one place only.

SEC. 10. The judges of the supreme court shall hold office for the term of ten years, and until their successors shall be duly elected and qualified, except as hereinafter provided.

SEC. 7. At the general election, in the year one thousand eight hundred and sixty-eight, all the five judges of the supreme court shall be elected by the qualified voters of the State, and shall enter upon their office on the first Monday of January, next ensuing. At the first session of the court thereafter, the judges shall, by lot, determine the duration of their several terms of office, which shall be, respectively, two, four, six, eight, and ten years, and shall certify the result to the Secretary of State. At the general election, every two years after said first election, one judge of said court shall be elected, to hold office for the period of ten years from the first Monday of January, next ensuing. The judge having, at any time, the shortest time to serve, shall be the presiding judge of the court.

SEC. 8. If a vacancy shall happen in the office of any judge of the supreme court, by death, resignation, removal from the State, or other disqualification, the Governor shall appoint a suitable person to fill the vacancy until the next general election, when the same shall be filled by election, by the qualified voters of the State, for the residue of the term.

SEC. 9. In case of a tie, or a contested election between the candidates, the same shall be determined in the manner prescribed by law.

SEC. 10. If, in regard to any cause pending in the supreme court, the judges sitting shall be equally divided in opinion, no judgment shall be entered therein based on such division; but the parties to the cause may

agree upon some person, learned in the law, who shall act as special judge in the cause, and who shall therein sit with the court, and give decision in the same manner, and with the same effect, as one of the judges. If the parties cannot agree upon a special judge, the court shall appoint one.

SEC. 11. The judges of the supreme court shall give their opinion upon important questions of constitutional law, and upon solemn occasions, when required by the Governor, the Senate, or the House of Representatives; and all such opinions shall be published in connection with the reported decisions of said court.

SEC. 12. The circuit court shall have jurisdiction over all criminal cases, which shall not be otherwise provided for by law; and exclusive original jurisdiction in all civil cases which shall not be cognizable before justices of the peace, until otherwise directed by the General Assembly. It shall hold its terms at such time and place, in each county, as may be by law directed.

SEC. 13. The State shall be divided into convenient circuits, for each of which, except as in the next succeeding section specified, a judge shall be elected by the qualified voters of the respective circuits, and shall be elected for the term of six years, but may continue in office until his successor shall be elected and qualified; and the judge of each circuit, after his election or appointment, as hereinafter provided, shall reside in, and be a conservator of, the place within the circuit for which he shall be elected or appointed; and if any vacancy shall happen in the office of any circuit judge, by death, resignation, removal out of his circuit, or by any other disqualification, the Governor shall, upon being satisfied that a vacancy exists, issue a writ of election to fill such vacancy: *Provided*, That said vacancy shall happen at least six months before the next general election for said judge; but if such vacancy shall happen within six months of the general election aforesaid, the Governor shall appoint a judge for such circuit; but every election or appointment to fill a vacancy shall be for the residue of the term only. And the General Assembly shall provide, by law, for the election of said judges in their respective circuits; and in case of a tie, or contested election between the candidates, the same shall be determined in the manner to be prescribed by law. And the General Assembly shall provide, by law, for the election of said judges, in their respective circuits, to fill any vacancy which shall occur at any time at least six months before a general election for said judges. The first general election for circuit judges shall be on the first Tuesday after the first Monday in November, 1869, and on the same day every six years thereafter. No judicial circuit shall be altered or changed at any session of the General Assembly next preceding the general election for said judges.

SEC. 14. From and after the first day of January, one thousand eight hundred and

sixty-six, the circuit court of the county of St. Louis shall be composed of three judges, each of whom shall try causes separately, and all, or a majority of whom, shall constitute a court in bank, to decide questions of law, and to correct errors occurring in trials; and, from and after that day, there shall not be in said county any other court of record having civil jurisdiction, except a court of probate and county court. The additional judges authorized by this section, shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold their offices until the next general election of judges of the circuit courts, when the whole number of the judges of the said court shall be elected for the term of six years. The General Assembly shall have power to increase the number of the judges of said court, from time to time, as the public interest may require.

SEC. 15. If there be a vacancy in the office of judge of any circuit, or if he be sick, absent, or from any cause unable to hold any term of court of any county of his circuit, such term of court may be held by a judge of any other circuit, and at the request of the judge of any circuit, any term of court in this circuit may be held by the judge of any other circuit.

SEC. 16. No person shall be elected or appointed a judge of the supreme court, nor of a circuit court, before he shall have attained to the age of thirty years.

SEC. 17. Any judge of the supreme court, or the circuit court, may be removed from office on the address of two-thirds of each house of the General Assembly to the Governor for that purpose; but each house shall state, on its respective journal, the cause for which it shall wish the removal of such judge, and give him notice thereof; and he shall have the right to be heard in his defense, in such manner as the General Assembly shall by law direct, but no judge shall be removed in this manner for any cause for which he might have been impeached.

SEC. 18. The judges of the supreme court, and the judges of the circuit courts shall, at stated times, receive a compensation for their services, to be fixed by law.

SEC. 19. The circuit court shall exercise a superintending control over all such inferior tribunals as the General Assembly may establish, and over justices of the peace in each county in their respective circuits.

SEC. 20. There shall be clerks of the courts created or directed by this Constitution, who shall be elected by the qualified voters of the respective counties, in such manner, and hold their offices for such time, and be rewarded in such manner, as the General Assembly shall by law provide.

SEC. 21. Inferior tribunals shall be established in each county for the transaction of all county business.

SEC. 22. There shall be established in each county a probate court, which shall be a court of record, open at all times, and holden by one judge, elected by the voters

of the county, who shall hold his office for the term of \_\_\_\_ years, and shall receive such compensation, payable out of the county treasury, or fees, or both, as shall be provided by law.

SEC. 23. The probate court shall have jurisdiction in probate and testamentary matters; the appointment of administrators and guardians; the granting letters testamentary and of administration; the settlement of the accounts of executors, administrators and guardians; and such jurisdiction in *habeas corpus*, and for the sale of land by executors, administrators and guardians, and such other jurisdiction, in any county or counties, as may be provided by law.

SEC. 24. In each county there shall be appointed, or elected, as many justices of the peace as the public good may be thought to require. Their powers and duties, and their duration in office, shall be regulated by law.

SEC. 25. All writs and process shall run, and all prosecutions shall be conducted, in the name of the "State of Missouri;" all writs shall be tested by the clerk of the court from which they shall be issued; and all indictments shall conclude, "against the peace and dignity of the State."

Mr. DRAKE offered the following additional rule:

No member shall vote in any case where he was not within the bar of the Convention when the question was put. And when any member shall ask leave to vote, the President shall propound to him the question, "Were you within the bar when your name was called?"

On which Mr. DRAKE demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bonham, Bunce, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Ellis, Folmsbee, Fulker-  
son, Gamble, Henderson, Holcomb, Holdsworth, Holland, Hume, King, Leonard, McKernan, McPherson, Meyer, Newgent, Nixdorf, Peck, Rankin, Smith of Mercer, Sutton, Swaringen, Switzler, Williams of Caldwell, Williams of Scotland, and Mr. President—33.

NOES—Messrs. Bush, Clover, Davis of New Madrid, D'Oench, Fletcher, Foster, Gilbert of Lawrence, Gilstrap, Linton, Mack, Martin, Owens, Rohrer, St. Gem, Strong, and Thilenius—16.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Esther, Evans, Gilbert of Platte, Grammer, Green, Husmann, Morton, Smith of Worth, and Weatherby—11.

ABSENT WITHOUT LEAVE—Messrs. Budd, Filley, and Hughes—3.

SICK—Mr. Mitchell—1.

So the additional rule was adopted.

On request of Mr. GILSTRAP, leave of absence was granted to Mr. Hughes until Monday next.

On request of Mr. GILSTRAP, leave of absence was granted him until Monday next.

The article on Executive Power, as reported back from the Committee of the Whole, was taken up, and the Convention proceeded to act on the amendments reported by the Committee of the Whole.

The following amendment to section five was read and agreed to:

Amend section five by striking out the words "and navy."

The following amendment to section six was agreed to:

The Governor shall have the power to grant reprieves, commutations, and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulation as may be provided by law, relative to the manner of applying for pardons. He shall, at each session of the General Assembly, communicate to that body each case of reprieve, commutation or pardon granted; stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the commutation, pardon or reprieve, and the reasons for granting the same.

The following amendment to section seven was agreed to:

Amend section seven by striking out all after the word "proclamation," and inserting, in lieu thereof, the words: "wherein he shall state specifically each matter concerning which the action of that body is deemed necessary; and the General Assembly shall have no power, when so convened, to act upon any matter not so stated in the proclamation."

The following substitute for sections fourteen and fifteen was agreed to:

Amend by striking out sections fourteen and fifteen, and inserting, in lieu thereof, the following:

When the office of Governor shall become vacant, by death, resignation, removal from the State, removal from office, refusal to qualify, or otherwise, the Lieutenant Governor shall perform the duties, possess the powers, and receive the compensation of the Governor during the remainder of the term for which the Governor was elected. When the Governor is absent from the State, or is unable, from sickness to perform his duties, or is under impeachment, the Lieutenant Governor shall perform said duties, possess said powers, and receive said compensation until the Governor return to the State, be enabled to resume his duties, or be acquitted. If there be no Lieutenant Governor, or if he be absent from the State, disabled by sickness, or

under impeachment, the president of the Senate *pro tempore*, or, in case of like absence or disability on his part, or of there being no president of the Senate *pro tempore*, the Speaker of the House of Representatives shall assume the office of Governor, in the same manner, and with the same powers and compensation, as are prescribed in the case of the office devolving on the Lieutenant Governor.

The following additional section was agreed to:

Amend by adding the following section:

SECTION 2. The appointment of all officers, not otherwise directed by this Constitution, shall be made in such manner as may be prescribed by law.

Mr. DRAKE offered the following amendment, which was adopted:

Amend the title by striking out the letters "IV," and also by striking out the words "of the executive power," and inserting, in lieu thereof, the words "executive department."

Mr. HOLLAND offered the following amendment:

Amend second section, first line, by striking out the words "white male."

Mr. GILSTRAP offered the following resolution:

*Resolved*, That the fifteen-minute rule, applicable to debate, be suspended during the debate upon the amendment to strike out the word "white."

Pending which, Mr. WILLIAMS of Caldwell offered the following substitute:

*Resolved*, That the rule of the Convention allowing only fifteen minutes as the time for each speaker, be amended by striking out "fifteen," and inserting "ten minutes" in lieu thereof.

Which substitute was declared out of order.

The question then being on the resolution as offered by Mr. Gilstrap, Mr. BARR demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Clover, Dodson, Fletcher, Gamble, Gilstrap, Henderson, Linton, and Switzler—8.

NOES—Messrs. Barr, Bonham, Bunce, Bush, Childress, Cowden, Davis of New Madrid, Davis of Nodaway, D'Oench, Ellis, Foster, Fulkerson, Gilbert of Lawrence, Holcomb, Holdsworth, Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Martin, Meyer, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Strong, Sutton, Swearingen, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—38.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Esther, Evans, Gilbert of Platte, Graminer, Green, Hughes, Husmann, Morton, Smith of Worth, and Weatherby—12.

ABSENT WITHOUT LEAVE—Messrs. Budd, Filley, Folmsbee, and Smith of Mercer—4.

SICK—Messrs. Drake and Mitchell—2.

So the resolution was rejected.

Mr. FOSTER offered the following resolution:

*Resolved*. That the Committee on Accounts be and are hereby instructed to audit and pay the accounts of the Secretary, for copying the journal for printing, up to March 1, 1865.

On motion of Mr. WILLIAMS of Caldwell, the resolution was adopted.

On motion of Mr. THILENIUS, the Convention adjourned until half past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

The amendment to section twenty-four of the article on the Executive Department, offered by Mr. Holland, was called up.

After debate, Mr. GILBERT of Lawrence moved to adjourn, which motion was temporarily withdrawn, to allow Mr. Owens to introduce the following proposed amendments to the Constitution, which were read the first time:

The people of the State of Missouri, in Convention assembled, do hereby adopt the following as amendments to the Constitution:

SECTION 1. That in this State there shall be neither slavery nor involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted; and all persons held to service or labor as slaves are hereby declared free.

SEC. 2. The General Assembly shall immediately provide by law for a complete and uniform registration, by election districts, of the names of all the qualified voters in this State.

SEC. 3. The General Assembly shall provide by law for taking the qualified votes of soldiers in the army of the United States, or in the militia force of this State, without registration, who may be absent from their places of residence by reason of being in said service. On the day fixed for such election, or at any time within twenty days next prior thereto, and for the due return and counting of such votes, every such person shall take the same oath that all other voters may be required to take, in order to vote.

SEC. 4. No person shall vote at any election to be hereafter held in this State, under

or in pursuance of the Constitution and laws thereof, whether State, county, township, or municipal, who shall not, in addition to possessing the qualifications prescribed for electors, previously take an oath in the terms prescribed in the next succeeding section, until the General Assembly shall establish a complete and uniform system of registration. Said oath shall be taken before the judges of election. After such system of registration shall have been established, the said oath shall be taken and subscribed by the voter at each time of his registration. Any person declining to take said oath shall not be allowed to vote or to be registered as a qualified voter: "I, \_\_\_\_\_, do solemnly swear (or affirm, as the case may be) that I will support, protect, and defend the Constitution of the United States, and the Constitution of the State of Missouri, against all enemies and opposers, whether domestic or foreign; that I will bear true faith, loyalty and allegiance to the United States, and will not, directly or indirectly, give aid and comfort, or countenance, to the enemies or opposers thereof, or of the government of the State of Missouri, any ordinance, law or resolution of any State Convention or Legislature, or of any order or organization, secret or otherwise, to the contrary notwithstanding; and that I do this with a full and honest determination, pledge and purpose, faithfully to keep and perform the same, without any mental reservation or evasion whatever. And I do further solemnly swear (or affirm) that I have not, since the 17th day of December, 1861, been in armed hostility to the United States, or to the lawful authorities thereof, or to the government of this State; or given aid, comfort, countenance, or support to persons engaged in such hostility; or in any manner adhered to the enemies, foreign or domestic, of the United States, either by willingly contributing to them or by unlawfully sending within their lines money, goods, letters or information; or disloyally held communication with such enemies; or by open act or word declared my adherence to the cause of such enemies, or my desire for their triumph over the arms of the United States; or, except under overpowering compulsion, submitted to the authority, or been in the service of the so-called Confederate States of America; or left this State and gone within the lines of the armies of the so-called Confederate States of America, with the purpose of adhering to said States or armies; or been a member of, or connected with, any order, society, or organization, having for its object to aid or encourage rebellion against the United States, or to promote the dissolution of the union thereof, or to oppose, by any unlawful means, the laws or authority thereof, or the laws, ordinances, or authority of this States; or been engaged in guerrilla warfare against loyal inhabitants of the United States, or in that description of marauding commonly known as bushwhacking; or knowingly and willfully harbored, aided, or

countenanced any person so engaged; or left this State for the purpose of avoiding enrollment for a draft into the military service of the United States; or, in order to escape the performance of duty in the militia of this State, enrolled myself, or caused myself to be enrolled as a disloyal Southern sympathizer; or having ever voted at any election held by the people of this State, or in any other of the United States or territories; or held office in this State, or in any other of the United States or territories, have thereafter sought, or received, under claim of alienage, the protection of any foreign government, in order to secure exemption from military duty in the militia of this State, or in the army of the United States."

SEC. 5. Before any person shall be elected or appointed to any civil or military office within this State, under the Constitution and the laws thereof, whether State, county, township, or otherwise, he shall take and subscribe an oath, in form as follows: "I, A. B., do solemnly swear (or affirm) that I will support, protect, and defend the Constitution of the United States and the Constitution of the State of Missouri against all enemies and opposers, whether domestic or foreign; that I will bear true faith, loyalty and allegiance to the United States, and will not, directly or indirectly, give aid and comfort or countenance to the enemies or opposers thereof, or of the government of the State of Missouri, any ordinance, law or resolution of any State convention or legislature, or of any order or organization, secret or otherwise, to the contrary notwithstanding; and that I do this with a full and honest determination, pledge, and purpose, faithfully to keep and perform the same without any mental reservation or evasion whatever. And I do further solemnly swear (or affirm) that I have not at any time been in armed hostility to the United States, or to the lawful authorities thereof, or to the government of this State; or given aid, comfort, countenance, or support to persons engaged in such hostility, or in any manner adhered to the enemies, foreign or domestic, of the United States, either by willingly contributing to them or by unlawfully sending within their lines money, goods, letters, or information; or disloyally held communication with such enemies, or by open act or word declared my adherence to the cause of such enemies, or my desire for their triumph over the arms of the United States; or, except under overpowering compulsion, submitted to the authority or been in the service of the so-called Confederate States of America; or left this State and gone within the lines of the armies of the so-called Confederate States of America, with the purpose of adhering to said States or armies; or being a member of, or connected with, any order, society, or organization having for its object to aid or encourage rebellion against the United States, or to promote the dissolution of the union thereof; or to oppose, by any unlawful means, the

laws or authority thereof, or the laws, ordinances or authority of this State; or been engaged in guerrilla warfare against loyal inhabitants of the United States; or in that description of marauding commonly known as bushwhacking, or knowingly harbored, aided, or countenanced any person so engaged; or left this State for the purpose of avoiding enrollment for a draft into the military service of the United States, or in order to escape the performance of duty in the militia of this State, enrolled myself or caused myself to be enrolled as a disloyal Southern sympathizer; or having ever voted at any election held by the people in this State or in any other of the United States, or held office in this State or in any other of the United States, have thereafter sought or received, under claim of alienage the protection of any foreign government, through any consul or other officer thereof, in order to secure exemption from military duty in the militia of this State or in the army of the United States;" which oath shall be filed in the office of the Secretary of State by all candidates for State offices, and by candidates for all county and other offices, in the office of the clerk of the county court (or other officer charged with equivalent duties) in the counties wherein they respectively reside, at least five days before the day of election; and no vote shall be cast up for, or certificate of election granted to, any candidate who fails to file such oath.

**SEC. 6.** Any person who shall falsely take, or, having taken, shall thereupon willfully violate any oath prescribed by these amendments to the Constitution shall, upon conviction thereof, by any court of competent jurisdiction, be adjudged guilty of the crime of perjury, and shall be punished therefor in accordance with existing laws. Within sixty days after the adoption of these amendments to the Constitution, every person in this State, holding any office of honor, trust, or profit, under the Constitution and laws thereof, or under any municipal corporation; and every officer, councilman, director, trustee, or other manager of any corporation, public or private, and every person acting as a professor or teacher in any educational institution, incorporated by or under any law in this State; and every teacher of any common or other school which is sustained, in whole or in part, by funds provided by law; every attorney at law, every licensed or ordained minister of the gospel, before performing the marriage ceremony in this State, shall take and subscribe the oath prescribed for civil and military officers in section five.

**SEC. 7.** Any officer or person referred to in section —, who shall fail to comply with the requirements thereof, shall be liable to prosecution in any court of competent jurisdiction in this State, by indictment, and, upon conviction, shall be punished for each offense by fine not less than one hundred, nor more than one thousand dollars.

**SEC. 8.** The General Assembly shall have

power, if a majority of all the members elected to both houses concur therein, to suspend or repeal any part of the fourth, fifth, sixth, and thirteenth sections of this article.

**SEC. 9.** The General Assembly shall have power to suspend, repeal, alter, or amend, any or all the ordinances adopted by the Missouri State Convention, elected on the 18th day of February, 1861.

**SEC. 10.** Hereafter the supreme court of this State shall consist of five judges, any three of whom shall constitute a quorum to do business; and the said judges shall be conservators of the peace throughout the State.

**SEC. 11.** The Governor of the State shall have power, and it shall be his duty, to appoint judges to fill any vacancies that may from any cause exist, and the judges so appointed shall hold their offices until the next general election for judges.

**SEC. 12.** The fourth section of the amendments to the Constitution is hereby abolished.

**SEC. 13.** In case of a contest arising in any election held under the Constitution or laws of this State, it shall be the duty of the contesting court to cast out and refuse to count the votes of any person or persons who are found to have falsely taken the oath prescribed in the — section of these amendments.

**Mr. DRAKE** objected to the second reading of the foregoing proposed amendments; and the question thereupon being, "Shall the proposition be rejected?" **Mr. BONHAM** demanded the ayes and noes thereon, which being taken, the vote stood as follows:

**AYES**—Messrs. Barr, Bonham, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Folsom, Fulker, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, McKernan, McPherson, Mack, Newgent, Nixdorf, Peck, Rankin, Smith of Mercer, Strong, Sutton, Swearinger, and Williams of Scotland—28.

**NOES**—Messrs. Bush, Davis of New Madrid, Fletcher, Holcomb, Linton, Martin, Meyer, Owens, Rohrer, St. Gem, Switzler, Thilenius, and Mr. President—13.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Clover, Esther, Evans, Gilbert of Platte, Gilstrap, Green, Grammer, Hughes, Husmann, Smith of Worth, and Weatherby—13.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Bunce, D'Oench, Ellis, Filley, Foster, Leonard, Morton, and Williams of Caldwell—9.

**SICK**—Mr. Mitchell—1.

So the proposition was rejected.

On motion of **Mr. DRAKE**, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## FIFTY-FIRST DAY.

THURSDAY, MARCH 9th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Dr. Schnyler.

Mr. HOLDSWORTH presented a communication from the Loyal League of Madison, Monroe county, Missouri, sustaining the action of the Convention; also, petitioning the Convention to vacate certain judicial offices; which was read for information and laid on the table.

On request of Mr. MARTIN, leave of absence for four days from to-morrow morning was granted to Mr. Gamble.

The amendment of Mr. Holland to section second, of article on the Executive Department, was called up.

Pending which, Mr. HUSMANN offered the following amendment to Mr. Holland's amendment:

Strike out the word "resident," in the second line, and insert in lieu thereof the words "qualified voter."

Which amendment was accepted by Mr. Holland.

After debate, the question then being on the adoption of the resolution offered by Mr. Holland, Mr. SWITZLER demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Budd, Bush, D'Oench, Drake, Ellis, Evans, Filley, Foster, Gilbert of Lawrence, Holcomb, Holland, Husmann, King, Linton, McKernan, McPherson, Meyer, Nixdorf, Owens, Rohrer, St. Gem, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—25.

**NOES**—Messrs. Bonham, Bunce, Childress, Clover, Cowden, Davis of New Madrid, Davis of Nodaway, Dodson, Fletcher, Folmsbee, Fulkerson, Gamble, Henderson, Holdsworth, Hume, Mack, Martin, Newgent, Peck, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, and Switzler—25.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Esther, Gilbert of Platte, Gilstrap, Grammer, Green, Hughes, Morton, Smith of Worth, and Weatherby—11.

**ABSENT WITHOUT LEAVE**—Messrs. Barr and Leonard—2.

Sick—Mr. Mitchell—1.

So the amendment was rejected.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section two by striking out of the second line the word "the," and inserting in lieu thereof the word "this," and by striking out the words "of Missouri."

Mr. WILLIAMS of Caldwell offered the following substitute to section three of article on Executive Department:

The Governor shall hold his office two years, and until a successor be duly elected and qualified. At the time and place of voting for members of the House of Representatives, the qualified voters shall vote for a Governor; and when two or more persons have an equal number of votes, and a higher number than any other person, the election shall be decided between them by a joint vote of both houses of the General Assembly, at their next session. The first election of a Governor under this Constitution shall take place at the general election, in the year one thousand eight hundred and sixty-six.

The question then being on the substitute offered by Mr. Williams of Caldwell, Mr. DRAKE demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Drake, and Williams of Caldwell—3.

**NOES**—Messrs. Barr, Budd, Bunce, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Ellis, Evans, Filley, Fletcher, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, Hume, Husmann, King, Linton, McKernan, McPherson, Mack, Martin, Meyer, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Strong, Sutton, Swearingen, Thilenius, Williams of Scotland, and Mr. President—45.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Esther, Gilbert of Platte, Gilstrap, Grammer, Green, Hughes, Morton, Smith of Worth, and Weatherby—11.

**ABSENT WITHOUT LEAVE**—Messrs. Davis of New Madrid, Leonard, Smith of Mercer, and Switzler—4.

Sick—Mr. Mitchell—1.

So the substitute was rejected.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section ten by inserting, after the word "adjournment," the words "of going into joint session."

Mr. OWENS offered the following amendment, which was rejected:

Amend by striking out section ten.

On motion of Mr. BONHAM, the article on Executive Department was ordered to be engrossed for a third reading.

On motion of Mr. ROHRER, the Convention adjourned until half-past two o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

On request of Mr. SWITZLER, leave of absence was granted him for six days.

On motion of Mr. BONHAM, the Convention resolved itself into a Committee of the Whole, for the purpose of taking under consideration amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. MARTIN reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on Legislative Department, and also the article on Impeachment, which articles he had been instructed to report back to the Convention with amendments thereto.

On motion of Mr. DRAKE, the article on Impeachment, with amendments thereto, as reported back from the Committee of the Whole, was taken up.

The following amendment, as reported back from the Committee of the Whole, to section first, was agreed to:

Amend article on Impeachment by striking out of first section, second line, the words "the courts," and insert the words "courts of record."

The following amendment, as reported back, was agreed to:

Amend section first by inserting the word "State" before the word "auditor," and before the word "treasurer."

On motion of Mr. OWENS, the article on Impeachment was laid over temporarily.

On motion of Mr. DRAKE, the article on Legislative Department, with the amendments thereto, as reported back from the Committee of the Whole, was taken up.

The following amendment, as reported back from the Committee of the Whole, was agreed to:

SEC. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, apportioned in the following manner, viz: The ratio of representation shall be ascertained at each apportioning session of the General Assembly, by dividing the whole number of permanent inhabitants of the State by the number two hundred. Each county having one ratio or less shall be entitled to one representative; each county having three times said ratio shall be entitled to two representatives; each county having six times said ratio shall be entitled to three representatives; and so on, above that number, giving one additional member for every three additional ratios.

The following amendment, as reported back from the Committee of the Whole, was read:

Amend section two by adding thereto: When any county shall be entitled to more than one representative, the county court shall cause such county to be sub-divided into as many compact and convenient districts as such county may be entitled to representatives, which districts shall be, as near as may be, of equal population; and the qualified voters of each of such districts shall elect one representative, who shall be a resident of such district.

On motion of Mr. WILLIAMS of Caldwell, the Convention adjourned until to-morrow morning at half-past 9 o'clock.

## FIFTY-SECOND DAY.

FRIDAY, MARCH 10th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Kendrieck.

Mr. BARR offered the following amendment to the twenty-fourth rule:

*Resolved*, That the twenty-fourth standing rule be amended by striking out the word

"two-thirds" and inserting in lieu thereof the words "a majority."

Mr. BARR moved a suspension of the rules, to enable him to introduce his amendment to the twenty-fourth rule; on which Mr. HUSMANN demanded the ayes and noes, and the vote being taken stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Bush, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Evans, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Newgent, Peck, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, Thilenius, Williams of Caldwell, and Williams of Scotland—33.

**NOES**—Messrs. Davis of New Madrid, Gilbert of Platte, Holcomb, Husmann, Martin, Nixdorf, Owens, Rohrer, St. Gem, and Mr. President—10.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Morton, Smith of Worth, Switzler, and Weatherby—12.

**ABSENT WITHOUT LEAVE**—Messrs. Clover, D’Oench, Ellis, Filley, Fletcher, Foster, Linton, and Martin—8.

**SICK**—Mr. Mitchell—1.

So the motion to suspend was agreed to.

The question then being on the adoption of the amendment to the twenty-fourth rule, Mr. BONHAM demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Filley, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Leonard, McPherson, Mack, Newgent, Peck, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—32.

**NOES**—Messrs. Bush, Davis of New Madrid, D’Oench, Foster, Gilbert of Platte, Holcomb, Husmann, Linton, McKernan, Martin, Meyer, Nixdorf, Owens, Rohrer, St. Gem, Thilenius, and Mr. President—17.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Morton, Smith of Worth, Switzler, and Weatherby—12.

**ABSENT WITHOUT LEAVE**—Messrs. Ellis and Fletcher—2.

**SICK**—Mr. Mitchell—1.

So the amendment to the twenty-fourth standing rule was adopted.

Mr. DRAKE moved to reconsider the vote by which the following amendment to the article on Impeachment was adopted:

Amend article on Impeachment by striking out of section first, second line, the words “the courts,” and insert the words “courts of record.”

Which motion was agreed to.

Mr. DRAKE moved the rejection of the amendment, which motion was agreed to.

Mr. DRAKE moved that the article on Impeachment, as amended, be engrossed, pre-

paratory to a third reading, which motion was agreed to.

The pending amendment to the article on Legislative Department was taken up; and the question being on the rejection of the same, Mr. OWENS demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, D’Oench, Foster, Holcomb, Husmann, Linton, McKernan, Meyer, Newgent, Nixdorf, Owens, Rohrer, St. Gem, Swearingen, Thilenius, and Mr. President—16.

**NOES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Filley, Folmsbee, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Henderson, Holdsworth, Holland, Hume, King, Leonard, McPherson, Mack, Martin, Peck, Rankin, Smith of Mercer, Strong, Williams of Caldwell, and Williams of Scotland—32.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Morton, Smith of Worth, Switzler, and Weatherby—12.

**ABSENT WITHOUT LEAVE**—Messrs. Davis of New Madrid, Fletcher, and Sutton—3.

**SICK**—Mr. Mitchell—1.

So the amendment was not rejected.

Mr. OWENS offered the following amendment to the pending amendment:

Strike out the word “one,” and insert the word “two.”

The question then being on the amendment of Mr. Owenses, Mr. BONHAM demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, D’Oench, Foster, Gilbert of Platte, Henderson, Holland, Husmann, Linton, McKernan, Meyer, Newgent, Nixdorf, Owens, Rohrer, St. Gem, Swearingen, Thilenius, and Mr. President—18.

**NOES**—Messrs. Barr, Bonham, Budd, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Folmsbee, Fulkerson, Gilbert of Lawrence, Holdsworth, Hume, King, McPherson, Mack, Peck, Rankin, Smith of Mercer, Strong, Sutton, and Williams of Scotland—23.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Martin, Morton, Smith of Worth, Switzler, and Weatherby—13.

**ABSENT WITHOUT LEAVE**—Messrs. Bunce, Davis of New Madrid, Ellis, Evans, Filley, Fletcher, Holcomb, Leonard, and Williams of Caldwell—9.

**SICK**—Mr. Mitchell—1.

So the amendment was rejected.

The question then being on the adoption of the pending amendment, Mr. BON-

HAM demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Folmsbee, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Henderson, Holdsworth, Hune, King, McPherson, Maek, Peck, Rankin, Smith of Mercer, Strong, Sutton, and Williams of Scotland—26.

**NOES**—Messrs. Bush, D'Oench, Ellis, Foster, Holland, Husmann, Linton, McKernan, Meyer, Newgent, Nixdorf, Owens, Rohrer, St. Gem, Swearingen, Thilenius, and Mr. President—17.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Martin, Morton, Smith of Worth, Switzler, and Weatherby—13.

**ABSENT WITHOUT LEAVE**—Messrs. Davis of New Madrid, Evans, Filley, Fletcher, Holcomb, Leonard, and Williams of Caldwell—7.

**SICK**—Mr. Mitchell—1.

So the amendment was agreed to.

On request of Mr. OWENS, leave of absence was granted him for one week.

On motion of Mr. BUSH, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

The article on Legislative Department, with pending amendments, as reported back from the Committee of the Whole, was taken up.

The following amendment to section third was read and agreed to:

Strike out the word "or," in the seventh line, and insert the word "and."

The following amendment to section third, in lines third and fourth, was read and agreed to:

Strike out the word "district," where it occurs therein, and insert in lieu thereof the word "county" in each place; and strike out of line fifth the words "or counties."

The following amendment to section third, line sixth, was read and agreed to:

Strike out the words "in the year of his election or the year next preceding."

The following amendment to section fourth was read and agreed to:

Strike out the word "two," and insert in lieu thereof the word "four."

The following amendment, by addition to section fifth, was read and agreed to:

When any county shall constitute a senatorial district, and shall be entitled to more than one Senator, the county court shall cause such county to be subdivided into as many compact and convenient districts as such county may be entitled to Senators, which districts shall be, as near as may be, of equal population, and the qualified voters of each of such districts shall elect one Senator, who shall be a resident of such district.

The following amendment to section fifth was read and agreed to:

Strike out the words "in the year of his election, or the year next preceding."

The following amendment to section sixth, line sixth, was read and agreed to:

Strike out the word "five," and insert in lieu thereof the word "six."

The following amendment to section sixth was read and agreed to:

Strike out of first line the words "and Representatives," and by inserting in the second line the word "inhabitants;" and by striking out of line second the word "they," and inserting in lieu thereof the words "Senators and Representatives;" and by inserting in line third, before the word "apportionment," the words "rule of."

The following amendment to section ninth was read and agreed to:

At the regular session of the General Assembly chosen at said election, the Senators shall be divided into two equal classes. Those elected from districts bearing odd numbers shall compose the first class, and those elected from districts bearing even numbers shall compose the second class. The seats of the first class shall be vacated at the end of the second year after the day of said election, and those of the second class at the end of the fourth year after that day, so that one-half of the Senators shall be chosen every second year. In districting any county for the election of Senators, the districts shall be numbered, so as to effectuate the division of Senators into classes, as required in this section.

The following amendment to section twelfth was read and agreed to:

If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

The following amendment to section sixteen was read and agreed to:

By adding thereto, "but no law increasing such compensation shall take effect in favor of the members of the General Assembly by which the same shall have been passed."

The following amendments to section sixteen were read and agreed to:

Strike out the word "a," in the second line, and insert the word "such." Strike out the word "which," in same line, and insert "as." Strike out the words "increased or diminished," in same line, and insert the word "provided."

The following amendment to section twenty-four was read and agreed to:

Insert in seventh line, before the word "collection," the words "assessment or," and by inserting in eighth line, before the word "collector," the words "assessor or."

The following amendment to section twenty-four, line twelve, was read and agreed to:

Strike out, after the word "provision," the following words: "may at the time exist under any," and insert in lieu thereof the following words: "can be made by;" and strike out the word "and," after the word "law," in twelfth line, and insert in lieu thereof the word "but."

The following amendment to section twenty-five was read and agreed to:

Strike out section twenty-five to section thirty, inclusive.

The following amendment was read:

Amend by adding the following section, to come in after section thirty-two:

**SEC. —.** The General Assembly shall pass no law, nor make any appropriation, to compensate the former masters or claimants of slaves emancipated from servitude by the ordinance abolishing slavery in Missouri, adopted on the eleventh day of January, one thousand eight hundred and sixty-five.

Mr. STRONG offered the following as a substitute for section —, to come in after section thirty-two, which was read and agreed to:

The General Assembly shall have no power to make compensation for emancipated slaves.

The following amendment was read:

Insert as a new section, between sections thirty-three and thirty-four, the following words: The General Assembly shall have no power to remove the county seat of any county, unless two-thirds of the qualified voters of the county, at a general election, shall vote in favor of such removal. No compensation or indemnity for real estate, or the improvements thereon, affected by such removal, shall be allowed.

Mr. OWENS offered the following substitute therefor, which was disagreed to:

The General Assembly shall have no power to pass laws authorizing compensation or

indemnity for real estate, or the improvements thereon, affected by the removal of any county seat."

The question then being on the original amendment, it was agreed to.

The following amendment was read and agreed to:

Strike out the thirty-sixth section.

The following amendment was read as a new section:

The General Assembly shall have no power to establish any new county with a territory of less than five hundred square miles, or with a population less than the ratio of representation existing at the time; nor to reduce any county now established to less than that area, or to less population than such ratio.

To which Mr. WILLIAMS of Caldwell offered the following amendment, which was read and disagreed to:

Strike out "five hundred" and insert "four hundred."

The new section was then agreed to.

The following amendment to section thirty-two, by adding thereto the following, was read:

On the final reading of every bill, the question upon its passage shall be taken by ayes and noes, which shall be entered upon the journal of each house.

To which Mr. STRONG offered the following substitute:

No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the ayes and noes entered upon the journal.

The question being on adopting the substitute of Mr. Strong for the reported amendment, Mr. DRAKE demanded the ayes and noes thereon, and the vote being taken stood as follows:

**AYES**—Messrs. Bush, Childress, Clover, Cowden, D'Oench, Foster, Gilbert of Lawrence, Gilbert of Platte, Henderson, Hume, Husmann, Linton, McKernan, Martin, Meyer, Newgent, Nixdorf, Owens, Rohrer, St. Gem, Strong, Swearingen, Thilenius, and Mr. President—24.

**NOES**—Messrs. Barr, Bonham, Davis of Nodaway, Dodson, Drake, Evans, Folmsbee, Fulkerson, Holecombe, Holland, King, McPherson, Mack, Peck, Smith of Mercer, Sutton, and Williams of Scotland—17.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Morton, Smith of Worth, Switzler, and Weatherby—12.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Bunce, Davis of New Madrid, Ellis, Filley, Fletcher, Holdsworth, Leonard, and Rankin—9.

**EXCUSED FROM VOTING**—Mr. Williams of Caldwell—1.

**SICK**—Mr. Mitchell—1.

So the substitute to the amendment was adopted.

The question then being on adopting the amendment, as amended by the substitute, it was adopted.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section fifth, sixth line, by striking out the word “or,” and inserting in lieu thereof the word “and.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend section seventh by striking out of second line the word “such,” and inserting in lieu thereof the word “senatorial.”

Mr. BONHAM offered the following amendment:

Strike out section twelfth, as numbered in the original article on Legislative Department.

Pending which, Mr. DRAKE offered the following amendment, which was adopted:

Amend section twenty-fourth by inserting, after the word “town,” in eleventh line, the words “or exempting any property of any named person or corporation from taxation.”

On motion of Mr. CLOVER, the Convention adjourned until half-past 9 o’clock tomorrow morning.

## FIFTY-THIRD DAY.

SATURDAY, MARCH 11th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Dr. Eliot.

Mr. MACK offered the following resolution:

*Resolved*, That the thirteenth rule of this Convention, as amended on the 13th of February, 1865, be amended by striking out the word “fifteen,” and inserting in place thereof the word “ten.”

Mr. MACK moved the suspension of the rules, so as to enable him to introduce his amendment now.

On which, Mr. —— demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D’Oench, Ellis, Folmsbee, Foster, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Strong, Sutton, Swearingen, Williams of Caldwell, Williams of Scotland, and Mr. President—37.

**NOES**—Messrs. Fletcher, Gilbert of Platte, Holcomb, Husmann, Leonard, Linton, Martin, Meyer, Owens, Rohrer, St. Gem, Thilenius, and Mr. President—13.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Morton, Smith of Worth, Switzler, and Weatherby—12.

**ABSENT WITHOUT LEAVE**—Messrs. Bush, Davis of New Madrid, and Evans—3.

**SICK**—Messrs. Drake, Filley, Mitchell,

and Smith of Mercer—4.

So the motion was agreed to.

The question then being on the adoption of the amendment to the amendment of the thirteenth rule, the ayes and noes were demanded thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D’Oench, Ellis, Fletcher, Folmsbee, Foster, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, St. Gem, Strong, Sutton, Swearingen, Williams of Caldwell, Williams of Scotland, and Mr. President—37.

**NOES**—Messrs. Clover, Gilbert of Platte, Holcomb, Husmann, Linton, Martin, Meyer, and Thilenius—8.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Morton, Smith of Worth, Switzler, and Weatherby—12.

**ABSENT WITHOUT LEAVE**—Messrs. Bush, Davis of New Madrid, and Evans—3.

**SICK**—Messrs. Drake, Filley, Mitchell, and Smith of Mercer—4.

So the amendment to the amendment was adopted.

Mr. NEWGENT offered a communication from the John Brown Council (Loyal League), dated Kansas City, Missouri, March 3, 1865, sustaining him in his course taken relative to deposing certain judicial officers, which was read for information and laid on the table.

By request of Mr. BARR, leave of absence was granted to Mr. Peck for four days.

By request of Mr. OWENS, leave of absence was granted to Mr. Davis of New Madrid for nine days.

The pending amendment to the article on Legislative Department, offered by Mr. Bonham, was taken up, and the question being on the adoption of the same, Mr. Bonham demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Childress, Davis of Nodaway, Dodson, Ellis, Evans, Folmsbee, Foster, Fulkerson, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, Hume, King, McPherson, Mack, Meyer, Newgent, Peck, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—30.

**NOES**—Messrs. Bunce, Bush, Clover, Cowden, D’Oench, Fletcher, Gilbert of Platte, Husmann, Leonard, Linton, McKernan, Martin, Nixdorf, Owens, Rohrer, St. Gem, Thilenius, and Mr. President—18.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Morton, Smith of Worth, Switzler, and Weatherby—13.

**SICK**—Messrs. Drake, Filley, and Mitchell—3.

So the amendment was adopted.

Mr. HUSMANN offered the following amendment:

Amend sections three and five, second line, by striking out the words “white male,” and striking out, in third line, the words “an inhabitant,” and inserting, in lieu thereof, the words “a qualified voter.”

Mr. FLETCHER moved that the Convention adjourn until half-past 9 o’clock Monday morning, on which motion Mr. —— demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Ellis, Evans, Fletcher, Folmsbee, Gilbert of Platte, Holdsworth, Hume, Leonard, McPherson, Mack, Martin, Newgent, Owens, Peck, Rohrer, Smith of Mercer, Strong, Sutton, and Swearingen—29.

**NOES**—Messrs. Bush, D’Oench, Fulker-son, Gilbert of Lawrence, Holland, Hus-mann, King, Linton, McKernan, Meyer, Nixdorf, St. Gem, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—16.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Esther, Gamble, Gilstrap, Gram-mer, Green, Hughes, Morton, Smith of Worth, Switzler, Weatherby, and Davis of New Madrid—13.

**ABSENT WITHOUT LEAVE**—Messrs. Foster, Henderson and Rankin—3.

**SICK**—Messrs. Drake, Filley, and Mitchell—3.

So the motion to adjourn was agreed to, and the Convention adjourned until Monday morning next at half-past nine o’clock.

## FIFTY-FOURTH DAY.

MONDAY, MARCH 13th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Mr. HOLCOMB asked and obtained leave of absence for Mr. Leonard for one week.

Mr. BONHAM offered the following resolution:

*Resolved*, That no person shall be permitted to debate or explain his vote, on the call for the ayes and noes, after the roll has commenced being called.

Mr. STRONG offered as a substitute therefor the following:

*Resolved*. That no person shall be permitted to debate the question on the call of the ayes and noes, or to occupy more than two minutes in explaining his vote.

After debate, the resolution and substitute were withdrawn.

The pending amendment to the article on the Legislative Department, offered by Mr. Husmann, was called up; the amendment being divided, the question was on the following:

Amend section three, second line, by striking out the words "white male."

On which Mr. BONHAM demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Budd, D'Oench, Drake, Ellis, Evans, Foster, Gilbert of Lawrence, Holcomb, Holland, Husmann, King, Linton, Meyer, Nixdorf, Rohrer, St. Gem, Strong, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—21.

**NOES**—Messrs. Barr, Bonham, Bunee, Childress, Cowden, Davis of Nodaway, Folmsbee, Fulkerson, Gilbert of Platte, Henderson, Holdsworth, Hume, McKernan, McPherson, Mack, Martin, Newgent, Rankin, Smith of Mercer, Sutton, and Swearingen—21.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Leonard, Morton, Owens, Peck, Smith of Worth, Switzler, and Weatherby—16.

**ABSENT WITHOUT LEAVE**—Messrs. Bush, Clover, Dodson, Filley, and Fletcher—5.

SICK—Mr. Mitchell—1.

So the amendment was rejected.

The question then being on striking out the word "white," in second line of section fifth, Mr. STRONG demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Budd, Bush, D'Oench, Drake, Ellis, Evans, Filley, Foster, Gilbert of Lawrence, Holcomb, Holland, Husmann, King, Linton, Meyer, Nixdorf, Rohrer, St. Gem, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—22.

**NOES**—Messrs. Barr, Bonham, Bunee, Childress, Cowden, Davis of Nodaway, Dodson, Folmsbee, Fulkerson, Gilbert of Platte, Henderson, Holdsworth, Hume, McKernan, McPherson, Mack, Martin, Newgent, Rankin, Smith of Mercer, Strong, Sutton, and Swearingen—23.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Leonard, Morton, Owens, Peck, Smith of Worth, Switzler, and Weatherby—16.

**ABSENT WITHOUT LEAVE**—Messrs. Clover and Fletcher.

SICK—Mr. Mitchell—1.

So the amendment was rejected.

The question then being on the last portion of the amendment offered by Mr. Husmann, viz:

Strike out of section third, in third line, and section fifth, in second line, the words "an inhabitant," and insert in lieu thereof the words "a qualified voter,"

Mr. BONHAM demanded the ayes and noes thereon, which being taken, the vote stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bush, Childress, Davis of Nodaway, D'Oench, Drake, Ellis, Evans, Filley, Foster, Fulkerson, Gilbert of Lawrence, Holcomb, Holdsworth, Holland, Hume, Husmann, King, Linton, McKernan, McPherson, Mack, Newgent, Nixdorf, Rohrer, St. Gem, Strong, Swearingen, Thilenius, Williams of Caldwell, and Mr. President—33.

**NOES**—Messrs. Bunee, Cowden, Dodson, Folmsbee, Gilbert of Platte, Henderson, Martin, Rankin, Smith of Mercer, Sutton, and Williams of Scotland—11.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Gamble, Gilstrap, Grammer, Green Hughes, Leonard, Morton, Owens, Peck, Smith of Worth, Switzler, and Weatherby—16.

**ABSENT WITHOUT LEAVE**—Messrs. Clover, Fletcher, and Meyer—3.

SICK—Mr. Mitchell—1.

So the amendment was adopted.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section third, third line, by inserting, after the word "and," the words "an inhabitant."

Mr. DRAKE offered the following amendment, which was adopted:

Amend section fifth, in third line, by inserting, after the word "and," the words "an inhabitant."

Mr. BONHAM offered the following amendment:

Amend section fourth, second line, by striking out the word "four," and inserting the word "two."

On this amendment Mr. BUSH demanded the ayes and noes, which being taken, the vote stood as follows:

**AYES**—Messrs. Bonham, Budd, Childress, Davis of Nodaway, Holdsworth, Hume, McPherson, Mack, Williams of Caldwell, and Williams of Scotland—10.

**NOES**—Messrs. Barr, Bunee, Bush, Cowden, Dodson, D'Oench, Drake, Ellis, Evans, Filley, Foster, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Henderson, Holcomb, Holland, Husmann, King, Linton, McKernan, Martin, Newgent, Nixdorf, Rankin, Rohrer, St. Gem, Smith of Mercer, Strong, Sutton, Swearingen, Thilenius, and Mr. President—33.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Leonard, Morton, Owens, Peck, Smith of Worth, Switzler, and Weatherby—16.

**ABSENT WITHOUT LEAVE**—Messrs. Clover, Fletcher, Folmsbee, and Meyer—4.

SICK—Mr. Mitchell—1.

So the amendment was rejected.

Mr. STRONG offered the following as a new section:

Insert as a new section between sections twenty-fourth and twenty-fifth: No property, real or personal, shall be exempt from taxation, except such as is used exclusively for public schools, and such as may belong to the United States, to the State of Missouri, to counties, or to municipal corporations within this State.

Mr. BUDD moved to amend Mr. Strong's proposition, by adding thereto the following:

Provided, personal property belonging to non-residents, shall not be taxed for State, county, or municipal purposes.

Mr. LINTON offered the following amendment to the amendment:

Provided, this section shall not be so construed as to tax orphan asylums or graveyards.

The question then being on the amendment to the amendment, offered by Mr. Linton, it was disagreed to.

The question then being on the amendment offered by Mr. Budd, it was disagreed to.

The question then being on the additional section to the article on Legislative Department, as offered by Mr. Strong, Mr. BONHAM demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Evans, Filley, Folmsbee, Fulkerson, Henderson, Holcomb, Holdsworth, Hume, King, McPherson, Mack, Meyer, Nixdorf, Rankin, Smith of Mercer, Strong, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—32.

**NOES**—Messrs. Foster, Gilbert of Lawrence, Gilbert of Platte, Holland, Linton, McKernan, Martin, Newgent, Sutton, and Swearingen—10.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Leonard, Morton, Owens, Peck, Smith of Worth, Switzler, and Weatherby—16.

**ABSENT WITHOUT LEAVE**—Messrs. Ellis, Fletcher, Husmann, Rohrer, and St. Gem—5.

**SICK**—Mr. Mitchell—1.

So the section was adopted.

On motion of Mr. ——, the Convention adjourned until half-past 2 o'clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

On request of Mr. BUSH, leave of absence was granted Mr. Husmann for this afternoon.

Mr. DRAKE moved to reconsider the vote adopting the amendment to the fifth section, striking out of the second line the words "an inhabitant," and inserting, in lieu thereof, the words "a qualified voter," and striking out of the third line the word "four," and inserting, in lieu thereof, the word "two," which motion was agreed to.

Mr. DRAKE offered the following amendment to the said amendment, which was read and adopted:

Amend the amendment by striking out the word "two," and inserting, in lieu thereof, the word "three."

The amendment, as amended, was then adopted.

Mr. BONHAM offered the following amendment:

Amend section three by striking out, in lines six and seven, all after the word "taken."

Which amendment was disagreed to.

Mr. BUDD offered the following, as an additional section:

Municipal corporations chartered by this State may have power to open streets or alleys, within any part of their corporate limits, provided they pay the value of property taken for such purpose.

Which was disagreed to.

On motion of Mr. DRAKE, the article on Legislative Department was ordered to be engrossed for a third reading.

On motion of Mr. BUSH, the article on Banks and Corporations was taken up.

Mr. STRONG moved that the article on Banks and Corporations be referred to the Committee of the Whole; on which Mr. WILLIAMS of Caldwell demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Dodson, Evans, Folmsbee, Gilbert of Lawrence, Gilbert of Platte, Henderson, Hume, King, McPherson, Strong, and Mr. President—11.

**NOES**—Messrs. Barr, Bonham, Budd, Bunce, Bush, Childress, Davis of Nodaway, D'Oench, Drake, Foster, Fulkerson, Holcomb, Holdsworth, Holland, Linton, McKernan, Mack, Martin, Meyer, Newgent,

Nixdorf, Rankin, Sutton, Swearingen, Thilenius, Williams of Caldwell, and Williams of Scotland—27.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Gamble, Gilstrap, Grammer, Green, Hughes, Husmann, Leonard, Morton, Owens, Peck, Smith of Worth, Switzler and Weatherby—17.

**ABSENT WITHOUT LEAVE**—Messrs. Clover, Cowden, Ellis, Filley, Fletcher, Rohrer, St. Gem, and Smith of Mercer—8.

**SICK**—Mr. Mitchell—1.

So the Convention refused to refer the article to the Committee of the Whole.

Mr. DRAKE offered the following as a substitute for section one of article on Banks and Corporations:

Strike out section first, and insert, in lieu thereof, the following:

The General Assembly shall not pass any law incorporating, or authorizing the incorporation of any bank, with authority to issue notes, bills, or other paper, or circulating medium, or renewing, or extending the charter of any such bank heretofore established, beyond the period now fixed by law for its termination, or relieving any such bank from any penalty or forfeiture it may have incurred, or may hereafter incur.

Which was disagreed to.

Mr. DRAKE offered the following amendment:

Amend by adding the following section:

SEC. —. No law shall be passed reviving or re-enacting any act heretofore passed creating any private corporation, where such corporation shall not have been organized and commenced the transaction of its business within one year from the time such act took effect, or within such other time as may have been prescribed in such act for such organization and commencement of business.

Which was adopted.

Mr. HOLLAND offered the following amendment:

Amend section first by inserting, in fifth line, after the word “money,” the words “or with the privilege of discounting any

bond, note, bill, or check; or of receiving or disbursing deposits; or of buying or selling exchange.”

Which was disagreed to.

Mr. DRAKE moved to strike out section second, which was agreed to.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section fifth, first line, by striking out the words “incorporated district,” and inserting in lieu thereof the word “town.”

Mr. DRAKE offered the following amendment:

Strike out section eighth, and insert in lieu thereof the following: Dues from private corporations shall be secured by such individual liabilities and other means as may be prescribed by law; but in all cases each stockholder shall be liable, over and above the stock by him or her owned, and any amount unpaid thereon, in a further sum at least equal in amount to such stock.

Pending which, Mr. STRONG offered the following amendment to the amendment of Mr. Drake:

Amend by striking out the words “individual liabilities and other.”

Pending which, Mr. STRONG offered the following amendment:

Amend by striking out section ninth of article on Banks and Corporations.

Which was agreed to.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section first by striking out all after the word “money,” in fourth line.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section fifth, third line, by striking out the word “party,” and inserting in lieu thereof the word “person.”

On motion of Mr. SMITH of Mercer, the Convention adjourned until half-past 9 o’clock to-morrow morning.

## FIFTY-FIFTH DAY.

TUESDAY, MARCH 14th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Cole.

A communication from the Union League of Appleton, Cape Girardeau county, asking the Convention to prohibit disloyal attorneys from practicing in the courts, was read for information, and laid on the table.

The article on Banks and Corporations was then taken up, and the question being on the following pending amendment to the amendment offered by Mr. Strong, to-wit:

Strike out, after the word "such," the words "individual liabilities and other,"

The same was adopted.

The question then recurred on the amendment as amended, to-wit:

Strike out section eight, and insert in lieu thereof the following: Dues from private corporations shall be secured by such means as may be prescribed by law; but in all cases stockholders shall be individually liable, over and above the stock by him or her owned, and any amount unpaid thereon, in a further sum, at least equal in amount to such stock.

On which question, Mr. DRAKE demanded the ayes and noes, which being taken, the vote stood as follows:

**AYES**—Messrs. Barr, Bonham, Bunce, Childress, Cowden, Dodson, Drake, Ellis, Evans, Fletcher, Folsom, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Henderson, Holcomb, Holdsworth, Hughes, Hume, King, McKernan, McPherson, Mack, Newgent, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, and Williams of Caldwell—30.

**NOES**—Messrs. Budd, Bush, Davis of Nodaway, D'OEENCH, Foster, Holland, Husmann, Linton, Martin, Nixdorf, Rohrer, St. Gem, and Mr. President—13.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Gamble, Gilstrap, Grammer, Green, Leonard, Morton, Owens, Peck, Smith of Worth, Switzler, and Weatherby—15.

**ABSENT WITHOUT LEAVE**—Messrs. Clover, Filley, Meyer, Thilenius, and Williams of Scotland—5.

**SICK**—Mr. Mitchell—1.

So the amendment was adopted.

Mr. KREKEL offered the following amendment:

Amend fourth section by inserting after the word "corporation," in second line, "except such as have heretofore obtained a loan of credit, and not exceeding—millions of dollars.

Which, after debate, was withdrawn.

Mr. BUDD offered the following amendment:

Amend section four, second line, by adding, after the word "loaned," the words "directly or indirectly."

Which was disagreed to.

Mr. BUSH offered the following amendment:

Amend by adding to section four the words "except for the purpose of securing or converting loans heretofore extended to certain railroad corporations by this State."

Pending which, Mr. DRAKE offered the following amendment:

Strike out section four, and insert in lieu thereof the following: The credit of this State shall never be given or loaned to any person, association or corporation; nor shall the State ever subscribe for stock in any corporation.

The question then being on the amendment offered by Mr. Bush, Mr. ST. GEM demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, D'OEENCH, Filley, Gilbert of Platte, Holland, Husmann, King, Linton, and Mr. President—9.

**NOES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Folsom, Fulkerson, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Hughes, Hume, McKernan, McPherson, Mack, Martin, Newgent, Nixdorf, Rankin, Rohrer, St. Gem, Smith of Mercer, Strong, Sutton, Swearingen, Thilenius, Williams of Caldwell—35.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Gamble, Gilstrap, Grammer, Green, Leonard, Morton, Owens, Peck, Smith of Worth, Switzler, and Weatherby—15.

**ABSENT WITHOUT LEAVE**—Messrs. Fletcher, Foster, Meyer, and Williams of Scotland—4.

**SICK**—Mr. Mitchell—1.

So the amendment was not agreed to.

Mr. DRAKE then withdrew his amendment.

Mr. DRAKE offered the following amendment:

Amend section four by striking out the words "the State shall not hereafter become a stockholder in any bank, nor shall," and by striking out the word "ever," in second line, and inserting in lieu thereof the words "shall not."

Which was adopted.

Mr. BONHAM offered the following as an additional section:

The General Assembly shall have no power, for any purpose whatever, to release the lien held by the State upon any railroad.

On motion of Mr. DRAKE, leave of absence was granted the Secretary for the remainder of the week.

On motion of Mr. GILBERT of Lawrence, the Convention adjourned until half-past two o'clock, P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. MEYER offered the following resolution, which was adopted:

*Resolved*, That the Committee on Accounts are authorized to audit and pay such claims as the funds in their hands will admit of.

Mr. MEYER, Chairman of the Committee on Accounts, presented the following bill for incidental expenses:

|   |   |  |
|---|---|--|
| 1865.   |   |  |
| Jan. 25.  | For express charges, Statutes of Mo...\$ 13 75                                  |  |
| Feb. 1.   | For telegram to Auditor of State..... 2 00                                      |  |
| " 10. "   | " " " " ..... 58  |  |
| " 10. For revenue stamps.....                             | 12 00   |  |
| " 10. For Sergeant-at-arms, trip to Boone.                | 50 00   |  |
| " 10 For telegram received from E. H. E. Jameson.....     | 1 30  |  |
| Feb. 11.  | For postage stamps refunded to Secy. 2 00                                       |  |
| Mar. 6.   | For Webster's Dictionary..... 15 00   |  |
| " 9. For telegraph charges refunded to the President..... | 21 00   |  |
| Jan. 18.  | To postage stamps furnished to Convention..... 340 00                           |  |
| " 31. To postage stamps furnished to Convention.....      | 290 00  |  |
| Mar. 7.   | For advertisement in Missouri Radical 4 00                                      |  |
| Jan. 20.  | For messenger for carrying Ordinance of Emancipation to Jefferson City... 50 00 |  |
| Mar. 12.  | For stationery, to C. G. Thalmann & Co..... 44 55                               |  |
|   | \$846 65  |  |

On motion of Mr. WILLIAMS of Caldwell, the above account was allowed.

The pending additional section on Banks and Corporations, offered by Mr. BONHAM, was called up,

Pending which, Mr. Strong was appointed to fill the place of Mr. Budd on the Committee on Engrossing.

The question being on the adoption of the additional section offered by Mr. Bonham to

the article on Banks and Corporations, Mr. BONHAM demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bonham, Budd, Bunee, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Evans, Folsombee, Fulkerson, Henderson, Holcomb, Holdsworth, Hume, Linton, McKernan, McPherson, Mack, Newgent, Nixdorf, St. Gem, Smith of Mercer, Strong, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—29.

NOES—Messrs. Bush, D'Oench, Fletcher, Foster, Gilbert of Lawrence, Gilbert of Platte, Holland, Hughes, Husmann, King, Martin, Rankin, Thilenius, and Mr. President—14.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Gamble, Gilstrap, Grammer, Green, Leonard, Morton, Owens, Peck, Smith of Worth, Switzler, and Weatherby—15.

ABSENT WITHOUT LEAVE—Messrs. Clover, Ellis, Filley, Meyer, and Rohrer—15.

SICK—Mr. Mitchell—1.

So the additional section was adopted.

Mr. KREKEL offered the following amendment:

Amend by adding to section four the words "except for the purpose of securing loans heretofore extended to certain railroad corporations by this State."

On this amendment Mr. BONHAM demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bush, Childress, D'Oench, Evans, Fletcher, Foster, Gilbert of Lawrence, Gilbert of Platte, Holland, Hughes, Hume, Husmann, King, McKernan, Mack, Martin, Nixdorf, Rankin, Thilenius, Williams of Caldwell, and Mr. President—22.

NOES—Messrs. Bonham, Budd, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Folsombee, Fulkerson, Henderson, Holcomb, Holdsworth, Linton, McPherson, Newgent, St. Gem, Strong, Sutton, Swearingen, and Williams of Scotland—20.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Gamble, Gilstrap, Grammer, Green, Leonard, Morton, Owens, Peck, Smith of Worth, Switzler, and Weatherby—15.

ABSENT WITHOUT LEAVE—Messrs. Bunee, Ellis, Filley, Meyer, Rohrer, and Smith of Mercer—6.

SICK—Mr. Mitchell—1.

So the amendment was adopted.

Mr. DRAKE offered the following as a substitute for section five:

Strike out section five, and insert, in lieu thereof, the following: The General Assembly shall not authorize any county, city,

or town to become a stockholder in, or to loan its credit to, any company, association, or corporation.

Mr. BONHAM offered the following amendment to the amendment of Mr. Drake:

Amend the amendment by adding thereto the following words: Unless two-thirds of the qualified voters of such county, city, or town, at a regular or special election to be held therein, shall assent thereto.

Which was agreed to.

The question then being on the adoption of the substitute, as amended, Mr. BONHAM demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bonham, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Ellis, Folmsbee, Foster, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Henderson, Holcomb, Holdsworth, Hume, Husmann, McKernan, Mack, Nixdorf, Rankin, Rohrer, St. Gem, Strong, Sutton, and Thilenius—28.

NOES—Messrs. Bush, Clover, Davis of Nodaway, D'Oench, Evans, Folmsbee, Foster, Gilbert of Lawrence, Gilbert of Platte, Holcomb, Husmann, Rohrer, Thilenius, and Williams of Scotland—14.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Gamble, Gilstrap, Grammer, Green, Leonard, Morton, Owens, Peck, Smith of Worth, Switzler, and Weatherby—15.

ABSENT WITHOUT LEAVE—Messrs. Budd,

Ellis, Filley, Fletcher, Hughes, Martin, Meyer, Rankin, and Smith of Mercer—9.

SICK—Mr. Mitchell—1.

So the substitute was adopted.

Mr. CLOVER moved that the Convention adjourn.

On this motion, Mr. D'Oench demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bonham, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Ellis, Folmsbee, Foster, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Henderson, Holcomb, Holdsworth, Hume, Husmann, McKernan, Mack, Nixdorf, Rankin, Rohrer, St. Gem, Strong, Sutton, and Thilenius—28.

NOES—Messrs. Bush, D'Oench, Drake, Evans, Holland, King, Linton, McPherson, Newgent, Swearingen, Williams of Caldwell, Williams of Scotland, and Mr. President—13.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Gamble, Gilstrap, Grammer, Green, Leonard, Morton, Owens, Peck, Smith of Worth, Switzler, and Weatherby—15.

ABSENT WITHOUT LEAVE—Messrs. Budd, Filley, Fletcher, Hughes, Martin, Meyer, and Smith of Mercer—7.

SICK—Mr. Mitchell—1.

So the motion to adjourn was agreed to, and the Convention adjourned until to-morrow morning at half-past 9 o'clock.

## FIFTY-SIXTH DAY.

WEDNESDAY, MARCH 15th, 1865.

Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. ST. GEM, the ordinance providing for the vacating of certain civil offices in the State, which was postponed until to-day, was laid over, and made the special order for to-morrow morning at 10 o'clock.

On motion of Mr. BUSH, the article on Banks and Corporations was taken up.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section third by striking out of first line the words "it shall be the duty of," and by inserting, after the word "Assembly," in the line first, the word "shall;" by striking out of line second the word "to," before the word "enact;" by

striking out of line third the words "further to," and inserting in lieu thereof the words "shall also;" and by striking out of line third the word "the," before the word "State," and inserting in lieu thereof the word "this;" and by striking out of line fourth the words "of Missouri," where they first occur therein.

Mr. KREKEL offered the following amendment:

Amend section fifth, as amended, by striking out the words "two-thirds," and inserting in lieu thereof "a majority."

The question then being on the adoption of this amendment, Mr. BONHAM demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Davis of Nodaway, D'Oench, Folmsbee, Foster, Fulkerson, Gilbert of

Lawrence, Gilbert of Platte, Holecomb, Hughes, Husmann, King, Morton, Newgent, Nixdorf, Thilenius, and Mr. President—16.

**NOES**—Messrs. Barr, Bonham, Childress, Clover, Cowden, Dodson, Drake, Ellis, Fletcher, Henderson, Holdsworth, Holland, Hume, Linton, McPherson, Mack, Rankin, Rohrer, St. Gem, Smith of Mercer, Strong, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—25.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Green, Leonard, Owens, Peck, and Switzler—9.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Bunce, Bush, Filley, Gamble, Gilstrap, Grammer, McKernan, Martin, Mack, Smith of Worth, and Weatherby—12.

**SICK**—Messrs. Evans and Mitchell—2.

So the amendment was not agreed to.

Mr. D'OEENCH offered the following as an additional section:

**SEC. —.** The General Assembly shall not change, alter or amend the charters of incorporated cities and towns, unless such changes, alterations or amendments are requested by a majority of the qualified voters of such cities or towns.’’

The question then being on the adoption of this additional section, Mr. DRAKE demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, Childress, Clover, D'OEENCH, Foster, Gamble, Gilbert of Lawrence, Holecomb, Husmann, Linton, Mack, Martin, Morton, Rankin, Rohrer, Strong, Thilenius, and Mr. President—18.

**NOES**—Messrs. Barr, Bonham, Budd, Bunce, Cowden, Davis of Nodaway, Dodson, Drake, Evans, Fletcher, Fulkerson, Gilbert of Platte, Henderson, Holland, Hume, King, McKernan, McPherson, Newgent, Nixdorf, Sutton, Swearingen, and Williams of Scotland—23.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Green, Leonard, Owens, Peck, and Switzler—9.

**ABSENT WITHOUT LEAVE**—Messrs. Ellis, Filley, Folmsbee, Gilstrap, Grammer, Holdsworth, Hughes, Meyer, St. Gem, Smith of Mercer, Smith of Worth, Weatherby, and Williams of Caldwell—13.

**SICK**—Mr. Mitchell—1.

So the section was not agreed to.

Mr. BUSH offered the following as a substitute for section fifth, as amended:

The General Assembly shall provide for the organization of cities and incorporated towns, and shall restrict their power of taxation, assessment, borrowing money, and loaning their credit, so as to prevent abuses in assessments and in contracting debt, by such municipal corporations.

Mr. DRAKE demanded the ayes and noes on this substitute, and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, Evans, Gilbert of Lawrence, Linton, Martin, Morton, Newgent, and Mr. President—8.

**NOES**—Messrs. Barr, Bonham, Budd, Bunce, Clover, Cowden, Davis of Nodaway, Dodson, D'OEENCH, Drake, Fletcher, Fulkerson, Gamble, Gilbert of Platte, Henderson, Holecomb, Holland, Hume, Husmann, King, McKernan, McPherson, Mack, Nixdorf, Rohrer, Strong, Sutton, Swearingen, and Williams of Scotland—29.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Green, Leonard, Owens, Peck, and Switzler—9.

**ABSENT WITHOUT LEAVE**—Messrs. Childress, Ellis, Filley, Folmsbee, Foster, Gilstrap, Grammer, Holdsworth, Hughes, Meyer, Rankin, St. Gem, Smith of Mercer, Smith of Worth, Thilenius, Weatherby, and Williams of Caldwell—17.

**SICK**—Mr. Mitchell—1.

So the substitute was not agreed to.

On motion of Mr. DRAKE, the article on Banks and Corporations was ordered to be engrossed for a third reading.

On motion of Mr. BONHAM, the Convention adjourned until half-past two o'clock, P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. WILLIAMS of Caldwell asked and obtained leave of absence for Mr. St. Gem, for this afternoon.

On motion of Mr. BONHAM, the article on the Judicial Department was taken up.

Mr. D'OEENCH offered the following amendment thereto:

Amend section seven, first line, by striking out “eight” and inserting “six.”

Which was disagreed to.

Mr. DRAKE offered the following, as an additional section, to follow section eleven:

**SECTION —.** The State, except the county of St. Louis, shall be divided into four districts, each of which shall embrace at least three judicial circuits, and in each of which districts a court shall be held at such times as may be provided by law, to be known as the district court. Each district court shall be held by the judges of the circuit courts of the circuits embraced in the district in which such court shall be held, a majority of whom shall be a quorum. The district courts shall, within their respective districts, have like

original jurisdiction with the supreme court, and appellate jurisdiction from all final judgments of the circuit courts within the district; and, after the establishment of such district courts, no appeal or writ of error shall lie from any circuit court to the supreme court, but shall be prosecuted to the district court, from which an appeal or writ of error may be taken to the supreme court.

Mr. BONHAM offered the following amendment:

Amend section thirteen, in line one, by adding after the word "circumcisus" the following: "Not to exceed sixteen until the year 1880, when the General Assembly may increase the number."

Mr. MACK moved to amend the amendment of Mr. Bonham, as follows:

Strike out "sixteen" and insert "fifteen," also strike out "1880" and insert "1875."

Which was disagreed to.

The question then being on the pending amendment offered by Mr. Bonham, Mr. HUSMANN demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Davis of Nodaway, Drake, Evans, Fulkerson, Gamble, Gilbert of Lawrence, Holdsworth, Hughes, McPherson, Mack, Rankin, Strong, and Williams of Scotland—13.

NOES—Messrs. Bush, Clover, Cowden, Dodson, D'Oench, Gilbert of Platte, Holland, Husmann, King, Linton, McKernan, Martin, Morton Newgent, Nixdorf, Rohrer, Smith of Mercer, Sutton, Swearingen, Thilenius, and Mr. President—21.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Green, Leonard, Owens, Peck, St. Gem, and Switzler—10.

ABSENT WITHOUT LEAVE—Messrs. Barr, Bonham, Budd, Bunce, Childress, Ellis, Filley, Fletcher, Folmsbee, Foster, Gilstrap, Grammer, Holcomb, Hume, Meyer, Smith of Worth, Weatherby, and Williams of Caldwell—18.

SICK—Messrs. Henderson and Mitchell—2.

So the amendment was not agreed to.

On motion of Mr. HUSMANN, a call of the house was ordered, and the following members answered to their names:

Messrs. Barr, Bunee, Bush, Childress-Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Evans, Fletcher-Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Holdsworth, Holland, Hughes, Husmann, King, Linton, McKernan, McPherson, Mack, Martin, Meyer, Morton, Newgent, Nixdorf, Rankin, Rohrer, Smith of Mercer, Strong, Sutton, Swearingen, Thilenius, Williams of Scotland, and Mr. President—41.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Green, Leonard, Owens, Peck, Switzler, and St. Gem—10.

ABSENT WITHOUT LEAVE—Messrs. Bonham, Budd, Ellis, Filley, Gilstrap, Grammer, Holcomb, Hume, Smith of Worth, Weatherby, and Williams of Caldwell—11.

SICK—Messrs. Henderson and Mitchell—2.

On motion of Mr. BARR, further proceedings under the call were dispensed with.

On motion of Mr. STRONG, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## FIFTY-SEVENTH DAY.

THURSDAY, MARCH 16th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Dr. Nelson.

Mr. HUSMANN asked to be excused from further service on the Committee on Engrossed Bills.

Mr. DRAKE moved that Mr. Husmann be excused, which was disagreed to.

On motion of Mr. ST. GEM, the special business for this morning, being the ordinance for the vacating of certain civil officers in the State, was taken up.

The question recurring on the amendment of Mr. Switzler, Mr. BUSH offered the following as a substitute for the first section of said article:

SECTION 1. The Governor of the State is hereby empowered, at any time within six months from the passage of this ordinance, to remove from office the judge or clerk of any court, the recorder of deeds, circuit attorney, or sheriff of any county, whose disloyalty to the Government of the United States of America, or sympathy with the existing rebellion, shall be proved by evidence satisfactory to him; and he is hereby

empowered and directed to immediately fill, by appointment, all offices so vacated; and persons by him so appointed shall hold the offices and execute the duties and functions thereof from the date of their respective commissions until the next general election, when the same shall be filled according to law. And the Governor shall make to the General Assembly, on the first day of the session thereof (in November next), a full report of all such removals and appointments, and the reasons that induced him to make such removals.

The question being on the substitute of Mr. Bush, Mr. BONHAM demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, Gilbert of Platte, Holland, and Linton—4.

**NOES**—Messrs. Barr, Bonham, Budd, Childress, Clover, Davis of Nodaway, Dodson, D’Oench, Drake, Ellis, Evans, Filley, Fletcher, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Henderson, Holcomb, Holdsworth, Hume, Husmann, King, McKernan, McPherson, Mack, Martin, Meyer, Newgent, Nixdorf, Rankin, Rohrer, St. Gem, Smith of Mercer, Strong, Sutton, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—44.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Green, Leonard, Owens, Peck, and Switzler—9.

**ABSENT WITHOUT LEAVE**—Messrs. Bunce, Cowden, Grammer, Hughes, Morton, and Smith of Worth—6.

**SICK**—Mr. Mitchell—1.

So the substitute was not agreed to.

On motion of Mr. DRAKE, the amendments offered by Mr. Switzler were laid on the table.

Mr. STRONG withdrew the amendment heretofore offered by him to section first.

Mr. GILSTRAP offered the following amendment:

Strike out all of the first section after the word “appointment,” in the sixth line, and insert “for the remainder of the term of each office, respectively.”

Which was adopted.

Mr. FOLMSBEE offered the following amendment:

Amend by inserting in the third line, after the word “recorders,” the words “and of all sheriffs.”

Mr. ST. GEM offered the following amendment to the amendment of Mr. Folmsbee:

Amend the amendment by including public administrators.

Which was disagreed to.

The question then being on the amendment of Mr. Folmsbee, it was adopted.

Mr. GILSTRAP offered the following amendment:

Strike out all after the date 1862.

Which was disagreed to.

Mr. DRAKE offered the following amendment, which was adopted:

Every person appointed by the Governor under this ordinance, shall, before entering upon the discharge of the duties of his office, take the oath prescribed in the second section of the ordinance defining the qualifications of voters and civil officers in this State, adopted June 10, 1862, and shall give bond in such form, in such sum, and with such security, as are required by existing laws.

Mr. MARTIN asked leave of absence until the 1st of April, which was granted.

On motion of Mr. BONHAM, the Convention adjourned until half-past 2 o’clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. BONHAM moved to fill the blanks in the fourth line of the first section with the words “first” and “May,” which was agreed to.

Mr. BUSH offered the following amendment, and demanded the ayes and noes thereon:

Amend section first by adding thereto the following: Provided, that no member of this Convention shall be qualified to become an appointee under this ordinance, unless he now holds any of the offices hereby vacated.

The ayes and noes being taken, the vote stood as follows:

**AYES**—Messrs. Bush, Gilbert of Platte, Husmann, Morton, and Thilenius—5.

**NOES**—Messrs. Barr, Bonham, Bunce, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Evans, Fulkerson, Gamble, Gilbert of Lawrence, Holdsworth, Hume, King, McKernan, McPherson, Mack, Martin, Rankin, Rohrer, St. Gem, Smith of Mercer, Sutton, Swearingen, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—29.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Green, Owens, Peck, and Switzler—8.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Clover, Dodson, Ellis, Filley, Fletcher, Folmsbee, Foster, Gilstrap, Grammer, Henderson, Holcomb, Holland, Hughes, Leon-

ard, Linton, Meyer, Newgent, Nixdorf, Smith of Worth, and Strong—21.

SICK—Mr. Mitchell—I.

So the amendment was not agreed to.

Mr. DRAKE offered the following amendment, which was adopted:

Strike out the first sentence of the first section, and insert in lieu thereof the following: That the offices of the judges of the supreme court, of all circuit courts, and of all courts of record, established by any act of the General Assembly, and those of the justices of all county courts, and all clerks of any of the aforesaid courts, of all circuit attorneys and their assistants, and of all sheriffs and county recorders, shall be vacated on the first day of May, one thousand eight hundred and sixty-five; and the same shall be filled, for the remainder of the term of each of said offices, respectively, by appointment by the Governor. The Governor shall, in like manner and with like effect, fill any vacaney now existing in any of said offices.

Mr. MORTON moved to reconsider the vote on the amendment offered by Mr. Bush, and on this motion Mr. HUSMANN demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Bush, Gilbert of Platte, Husmann, Linton, Morton, Newgent, Nixdorf, Swearingen, Thilenius, and Mr. President—10.

NOES—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Evans, Filley, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, King, McKernan, McPherson, Mack, Martin, Meyer, Rankin, Rohrer, St. Gem, Sutton, Weatherby, Williams of Caldwell, and Williams of Scotland—35.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Green, Leonard, Owens, Peck, and Switzer—9.

ABSENT WITHOUT LEAVE—Messrs. D'Oench, Ellis, Fletcher, Folmsbee, Foster, Grammer, Smith of Mercer, Smith of Worth, and Strong—9.

SICK—Mr. Mitchell—I.

So the motion to reconsider was not agreed to.

Mr. MORTON moved to amend by adding to the end of section first the following words:

Provided, however, that no offices shall be vacated which were filled by the election held in November last.

Mr. MORTON demanded the ayes and noes on his motion, and the vote being taken, stood as follows:

AYES—Messrs. Gilbert of Platte, Hughes, Linton, Morton, and Sutton—5.

NOES—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Filley, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Henderson, Holcomb, Holdsworth, Holland, Hume, Husmann, King, McKernan, McPherson, Mack, Martin, Meyer, Newgent, Nixdorf, Rankin, Rohrer, St. Gem, Smith of Mercer, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—41.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Green, Owens, Peck, and Switzer—8.

ABSENT WITHOUT LEAVE—Messrs. Bush, D'Oench, Fletcher, Folmsbee, Foster, Grammer, Leonard, Smith of Worth, and Strong—9.

SICK—Mr. Mitchell—I.

So the amendment was not agreed to.

Mr. GILSTRAP offered the following amendment, which was adopted:

Amend second section by striking out the first and second lines thereof, and inserting the following: No person shall be prosecuted in any civil action, or criminal proceeding, for or on account of any act.

Mr. ST. GEM offered the following amendment:

Amend section second by striking out, in the third line, the word "after," and inserting, in lieu thereof, the words "prior to;" and strike out, in line four, the word "one," and insert, in lieu thereof, the word "five."

Which was disagreed to.

Mr. HUSMANN offered the following amendment:

Amend section first by striking out the word "May," and inserting, in lieu thereof, the word "April."

Which was declared out of order.

Mr. HUGHES offered the following amendment:

Strike out second section.

Mr. HUGHES demanded the ayes and noes on his motion, and the vote being taken, stood as follows:

AYES—Messrs. Drake, Evans, Gamble, Gilbert of Platte, Hughes, King, Linton, Morton, and Sutton—9.

NOES—Messrs. Barr, Bonham, Budd, Bunce, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Ellis, Filley, Foster, Fulkerson, Gilbert of Lawrence, Gilstrap, Henderson, Holcomb, Holdsworth, Holland, Hume, Husmann, McKernan, McPherson, Mack, Morton, Meyer, Newgent, Nixdorf, Rohrer, St.

Gem, Smith of Mercer, Strong, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—40.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Green, Leonard, Martin, Owens, Peck, and Switzler—10.

**ABSENT WITHOUT LEAVE**—Messrs. Fletcher, Folmsbee, Rankin, and Smith of Worth—4.

**SICK**—Mr. Mitchell—1.

So the motion to strike out section two was not agreed to.

Mr. DRAKE moved that the ordinance be engrossed for a third reading.

On this motion Mr. BONHAM demanded the ayes and noes, and the vote being taken stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bumce, Bush, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Ellis,

Evans, Filley, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Henderson, Holcomb, Holdsworth, Holland, Hume, Husmann, King, McKernan, McPherson, Mack, Meyer, Newgent, Nixdorf, Rohrer, St. Gem, Smith of Mercer, Strong, Sutton, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—43.

**NOES**—Mr. Hughes—1.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Esther, Green, Leonard, Martin, Owens, Peck, and Switzler—10.

**ABSENT WITHOUT LEAVE**—Messrs. D'Oench, Fletcher, Folmsbee, Gilbert of Platte, Grammer, Linton, Morton, Rankin, and Smith of Worth—4.

**SICK**—Mr. Mitchell—1.

So the motion to engross was agreed to.

On motion of Mr. FOSTER, the Convention adjourned until half-past 9 o'clock to-morrow morning.

## FIFTY-EIGHTH DAY.

FRIDAY, MARCH 17th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. McLain.

Mr. GAMBLE asked leave of absence for Mr. Rankin until Tuesday next.

Mr. GILBERT of Platte asked that the leave of absence heretofore granted to Mr. Switzler be extended until to-morrow; which was granted.

Mr. DRAKE offered the following amendment to the article on the mode of amending and revising the Constitution, which was laid on the table and ordered to be printed:

Strike out section third, and insert in lieu thereof the following: The General Assembly may, at any time or times after the year one thousand eight hundred and seventy, authorize, by law, a vote of the people to be taken upon the question whether a Convention shall be held for the purpose of revising and amending the Constitution of this State; and if, at such election, a majority of the votes on the question be in favor of a Convention, the Governor shall issue writs to the sheriffs of the different counties, ordering the election of delegates to such a Convention, on a day within three months after that on which the said question shall have been voted on. At such election, each senatorial district shall elect two delegates for each

Senator to which it may then be entitled in the General Assembly, and every such delegate shall have the qualifications of a Senator. The election shall be conducted in conformity with the laws regulating the election of Senators. The delegates so elected shall meet on the fourth Wednesday succeeding their election, at such place as may be provided by law, and organize themselves into a Convention, in such manner as they may determine upon, and proceed to revise and amend the Constitution; and the Constitution, when so revised and amended, shall, on a day to be therein fixed, not less than sixty nor more than ninety days after that on which it shall have been adopted by the Convention, be submitted to a vote of the people for and against it, at an election to be held for that purpose only; and if a majority of all the votes given be in favor of such Constitution, it shall, at the end of thirty days after such election, become the Constitution of this State. The result of such election shall be made known by proclamation by the Governor. The General Assembly shall have no power, otherwise than as in this section specified, to authorize a Convention for amending the Constitution; nor shall any Convention which may be called for another purpose have power to revise, amend, or change any part of the Constitution.

On motion of Mr. DRAKE, the article on the Judicial Department was taken up.

Mr. DRAKE offered the following amendment:

Insert the following additional section next after section eleventh:

SEC. —. The State, except the county of St. Louis, shall be divided into not less than four districts, each of which shall embrace at least three judicial circuits; and in each district a court, to be known as the district court, shall be held, at such times and places as may be provided by law. Each district court shall be held by the judges of the circuit courts embraced in the district, a majority of whom shall be a quorum. The district courts shall, within their respective districts, have like original jurisdiction with the supreme court, and appellate jurisdiction from the final judgments of the circuit courts, and of all inferior courts of record within the district, except probate and county courts. After the establishment of such district courts, no appeal or writ of error shall lie from any circuit court, or inferior court of record, to the supreme court, but shall be prosecuted to the district court, from the final judgments of which an appeal or writ of error may be taken to the supreme court, in such cases as may be provided by law.

Pending which, Mr. STRONG, Chairman of the Committee on Engrossed Bills, reported the ordinance vacating certain civil offices in this State as correctly engrossed.

Mr. STRONG offered the following amendment to the second section, which was adopted:

The provisions of this section shall apply in all cases where suits are now pending, in the same manner and with like effect as in suits or actions hereafter brought.

The ordinance was then put upon its final passage.

Mr. FOLMSBEE moved a call of the house, which being ordered, the following members responded to their names:

Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Evans, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Henderson, Holcomb, Holdsworth, Holland, Hughes, Hume, Husmann, King, Linton, McKernan, McPherson, Mack, Meyer, Morton, Newgent, Nixdorf, Peck, Rohrer, St. Gem, Smith of Mercer, Strong, Sutton, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—48.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Green, Leonard, Martin, Owens, Rankin, and Switzler—9.

ABSENT WITHOUT LEAVE—Messrs. Bush, Esther, Filley, Fletcher, Grammer, Smith of Worth—6.

SICK—Mr. Mitchell—1.

On motion of Mr. DRAKE, further proceedings under the call were dispensed with.

The question being on the final passage of the ordinance vacating certain civil offices in this State, Mr. DRAKE demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Evans, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Henderson, Holcomb, Holdsworth, Holland, Hume, Husmann, King, McKernan, McPherson, Mack, Meyer, Newgent, Nixdorf, Peck, Rohrer, St. Gem, Smith of Mercer, Strong, Sutton, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—43.

NOS—Messrs. D'Oench, Gilbert of Platte, Hughes, Linton, and Morton—5.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Green, Leonard, Martin, Owens, Rankin, and Switzler—9.

ABSENT WITHOUT LEAVE—Messrs. Bush, Esther, Filley, Fletcher, Grammer, and Smith of Worth—6.

SICK—Mr. Mitchell—1.

So the ordinance was adopted.

Mr. STRONG moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved*, That the ordinance providing for the vacating of certain civil offices in the State, filling the same anew, and protecting the citizens from injury and harassment, be enrolled, and authenticated by the signatures of the President and Secretary, and deposited in the office of the Secretary of State.

Mr. WILLIAMS of Caldwell offered the following resolution, which was disagreed to:

*Resolved*, That a copy of the ordinance vacating certain civil offices in this State, and for the protection of citizens from injury and harassment, be transmitted to the Governor of this State.

The article on the Judicial Department was then taken up, and the question being on the adoption of the amendment offered by Mr. Drake, he demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Cowden, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Evans, Fletcher, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Henderson, Holcomb, Holdsworth, Hughes,

Hume, King, McKernan, McPherson, Mack, Meyer, Newgent, Nixdorf, Peck, Smith of Mereer, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland—38.

**NOES**—Messrs. Foster, Gilbert of Platte, Holland, Husmann, Linton, Rohrer, Thilenius, and Mr. President—8.

**ABSENT WITH LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Green, Leonard, Martin, Owens, Rankin, and Switzer—9.

**ABSENT WITHOUT LEAVE**—Messrs. Bush, Clover, Esther, Filley, Grammer, Morton, St. Gem, and Smith of Worth—8.

**SICK**—Mr. Mitchell—1.

So the amendment was adopted.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section first by inserting in second line, after the word “court,” the words “in district courts.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend section fourth, line first, by striking out the word “five,” and inserting in lieu thereof the word “three;” and by striking out the word “three,” and inserting in lieu thereof the word “two.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend section fifth, second line, by striking out the words “hold two sessions annually,” and inserting in lieu thereof the words “be held.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend section sixth by striking out the word “ten,” and inserting in lieu thereof the word “six.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend section seventh by striking out of second line the word “five,” and also by striking out of fifth line the words “eight and ten,” and inserting the word “and” before the word “six,” in the same line; and by striking out of line seventh the word “ten,” and inserting in lieu thereof the word “six.”

On motion of Mr. ROHRER, the Convention adjourned until half-past 2 o’clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the article on the Judicial Department.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section thirteen, by inserting in line three, after the word “and,” the words “except as hereinafter provided.”

Mr. DRAKE offered the following amendment:

Amend section thirteen by striking out the words “the first general election for circuit judges shall be on the first Tuesday after the first Monday in November, 1869, and on the same day every six years thereafter,” and inserting in lieu thereof the following: “At the general election in the year one thousand eight hundred and sixty-eight, and at the general election every sixth year thereafter, except as hereinafter provided, all the circuit judges shall be elected and shall enter upon their offices on the first Monday of January next ensuing their election.”

Mr. GILSTRAP moved to amend the amendment as follows:

Strike out “1868” and insert “one thousand eight hundred and seventy.”

Which was adopted.

The amendment as amended was then adopted.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section fourteen by striking out the words “for the term of six years.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend section fourteen by inserting the following between lines nine and ten: At the first session of said court after the judges thereof, who may be elected in the year one thousand eight hundred and seventy, shall have assumed office, the said judges shall, by lot, determine the duration of their several terms of office, which shall be, respectively, two, four, and six years; and shall certify the result to the Secretary of State. At the general election every two years after the election in that year, one judge of said court shall be elected to hold office for the term of six years from the first Monday of January next ensuing.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section fourteen by inserting in line eleven, after the word “require,” the following: “Any additional judges authorized shall hold office for the term of six years, and be elected at a general election and enter upon their office on the first Monday of January next ensuing.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend section eighteen by adding thereto the words "which shall not be diminished during the period for which they were elected."

Mr. DRAKE offered the following amendment, which was adopted:

Amend section seventh, line first, by striking out the words "sixty-eight," and inserting in lieu thereof the word "seventy."

Mr. GILSTRAP offered the following amendment, which was adopted:

Amend by adding the following section, to come in after section fourteen:

**SECTION —.** The provisions contained in this article, requiring an election to be held to fill a vacancy in the office of judges of the supreme and circuit courts, shall have relation to vacancies occurring after the year one thousand eight hundred and seventy; up to which time any such vacancy shall be filled by appointment by the Governor.

Mr. DRAKE offered the following amendment, which was adopted:

Strike out section twentieth, and insert in lieu thereof the following: The supreme court and the district courts shall appoint their respective clerks. Clerks of circuit courts and of county courts shall be elected by the qualified voters of the county, at a general election, and shall hold office for the term of four years from and after the first Monday in January next ensuing, and until their successors are duly elected and qualified. The first election of such clerks, after the adoption of this Constitution, shall be at the general election in the year one thousand eight hundred and sixty-six, any existing law of this State to the contrary notwithstanding.

Mr. HOLCOMB offered the following amendment:

Strike out, in the sixth line, the word "four," and insert "six."

On which, Mr. BONHAM demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Bunce, Dodson, Foster, Fulkerson, Gamble, Gilbert of Platte, Gilstrap, Henderson, Holcomb, Holdsworth, Hughes, Husmann, King, Linton, Meyer, Newgent, Swearingen, Thilenius, Williams of Caldwell, and Mr. President—20.

NOES—Messrs. Bonham, Childress, Clover, Cowden, Davis of Nodaway, Drake, Evans, Folsom, Gilbert of Lawrence, Holland, Hume, McKernan, McPherson, Mack, Nixdorf, Peck, Strong, Sutton, and Williams of Scotland—19.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Green, Leonard, Martin, Morton, Owens, Rankin, and Switzler—10.

ABSENT WITHOUT LEAVE—Messrs. Barr, Budd, D'Oench, Ellis, Esther, Filley, Fletcher, Grammer, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, and Weatherby—13.

SICK—Messrs. Bush, and Mitchell—2.

So the amendment was adopted.

Mr. BONHAM offered the following amendment:

Amend by striking out "six," and inserting "two."

And demanded the ayes and noes thereon, which being taken, stood as follows:

AYES—Messrs. Bonham, Childress, Clover, Davis of Nodaway, Evans, Folsom, Gilbert of Lawrence, Holland, Hume, McKernan, Mack, Nixdorf, Peck, and Sutton—14.

NOES—Messrs. Bunce, Cowden, Dodson, Drake, Foster, Fulkerson, Gamble, Gilbert of Platte, Gilstrap, Henderson, Holcomb, Holdsworth, Hughes, Husmann, King, Linton, McPherson, Meyer, Newgent, Strong, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—26.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Green, Leonard, Martin, Morton, Owens, Rankin, and Switzler—10.

ABSENT WITHOUT LEAVE—Messrs. Barr, Budd, D'Oench, Ellis, Esther, Filley, Fletcher, Grammer, Rohrer, St. Gem, Smith of Mercer, and Smith of Worth—12.

SICK—Messrs. Bush and Mitchell—2.

So the amendment was not agreed to.

Mr. HOLDSWORTH moved to reconsider the vote by which the amendment of Mr. Holcomb was adopted, which was agreed to.

The question then recurring on the adoption of Mr. Holcomb's amendment, Mr. BONHAM demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Bunce, Foster, Gilbert of Platte, Gilstrap, Henderson, Holcomb, Husmann, Linton, Meyer, Newgent, St. Gem, Swearingen, Thilenius, and Williams of Caldwell—14.

NOES—Messrs. Bonham, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Evans, Folsom, Fulkerson, Gamble, Gilbert of Lawrence, Holdsworth, Holland, Hughes, Hume, King, McKernan, McPherson, Mack, Nixdorf, Peck, Strong, Sutton, Weatherby, Williams of Scotland, and Mr. President—27.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Green, Leonard, Martin, Morton, Owens, Rankin, and Switzler—10.

ABSENT WITHOUT LEAVE—Messrs. Budd, D'Oench, Ellis, Esther, Filley, Fletcher, Grammer, Rohrer, St. Gem, Smith of Mercer, and Smith of Worth—10.

SICK—Messrs. Barr, Bush, and Mitchell—3.

So the amendment was not agreed to.

Mr. BONHAM offered the following amendment, which was disagreed to:

Amend by adding to the section: But no such clerk shall hold any other office, nor perform any other official functions, during the term for which he was elected.

Mr. DRAKE offered the following amendment:

Amend by inserting, after section twenty, the following additional section:

SEC. —. No clerk of any court established by this Constitution, or by any law of this State, shall apply to his own use, from the fees and emoluments of his office, a greater sum than two thousand five hundred dollars for each year of his official term, after paying out of such fees and emoluments such amounts for deputies and assistants in his office as the court may deem necessary and may allow; but all surplus of such fees and emoluments over that sum, after paying the amounts so allowed, shall be paid into the county treasury for the use of the county. The General Assembly shall pass such laws as may be necessary to carry into effect the provisions of this section.

On which amendment, Mr. DRAKE demanded the ayes and noes; and the vote being taken, stood as follows:

AYES—Messrs. Bonham, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Evans, Folsom, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Henderson, Holcomb, Holdsworth Hughes, Hume, Husmann, McKernan, McPherson, Mack, Newgent, Nixdorf, Peek, Strong Sutton, Thilenius, Williams of Caldwell, Wilhams of Scotland, and Mr. President—32.

NOES—Messrs. Foster, Holland, King, Linton, St. Gem, and Swearingen—6.

ABSENT WITH LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Green, Leonard, Martin, Morton, Owens, Rankin, and Switzler—10.

ABSENT WITHOUT LEAVE—Messrs. Budd, Bunce, Childress, D’Oench, Ellis, Esther, Filley, Fletcher, Grammer, Meyer, Rohrer, Smith of Mercer, Smith of Worth, and Weatherby—14.

SICK—Messrs. Bush and Mitchell—2.

So the amendment was adopted.

Mr. DRAKE moved to amend the title by striking out the letter “V” and the words “of the,” which was agreed to.

Mr. NEWGENT, from the Committee on Militia, reported an ordinance entitled “An Ordinance for the organization of the Missouri Militia,” which was read a first and second time.

Mr. GILSTRAP moved to fill the blank in said ordinance by inserting the word “eight.”

Pending which amendment, Mr. STRONG moved to amend the amendment by striking out “eight” and inserting “two.”

On motion of Mr. CLOVER, the ordinance and pending amendments were postponed and made the special order for Wednesday next.

Mr. HUSMANN asked and obtained leave of absence for six days from Monday next.

Mr. MEYER asked and obtained leave of absence for five days.

Mr. HUME asked and obtained leave of absence for three days.

On motion of Mr. BONHAM, the Convention adjourned until half-past 9 o’clock tomorrow morning.

## FIFTY-NINTH DAY.

SATURDAY, MARCH 18th 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Nicolls.

Mr. DRAKE offered the following resolutions, which were adopted:

*Resolved*, That any leave of absence, heretofore granted to any member for an indefinite time, is hereby revoked.

*Resolved*, That the President be requested to notify each member who is, or may hereafter be, absent after the expiration of the

period of his leave of absence, that such leave has expired, and that his presence in the Convention is required.

Mr. BONHAM offered the following resolution:

*Resolved* That no leave of absence granted after the 25th inst., to any member, unless for cause of sickness in the family of the member making his application.

Which was not adopted.

Mr. HOLLAND asked leave of absence during next week; which was granted.

Mr. GILBERT of Platte obtained leave of absence for this day.

Mr. BARR offered the following resolution, which was adopted:

*Resolved*, That Mr. Smith of Worth be excused for being absent without leave.

On motion, the article on the Judicial Department was taken up.

Mr. MACK offered the following amendment:

Amend section thirteen, in line eighteen, by striking out after the word "November," the figures "1870," and insert in lieu thereof the figures "1866."

Which was temporarily withdrawn.

Mr. DRAKE moved to reconsider the vote on the adoption of Mr. Gilstrap's amendment to his amendment to the thirteenth section, and also to reconsider the vote adopting said amendment as amended on the motion of Mr. Gilstrap; which motions were agreed to.

The question then recurred on the amendment of Mr. Gilstrap, on which the ayes and noes were demanded, and the vote being taken, stood as follows:

AYES—Messrs. Budd, Bunce, Dodson, Holcomb, Newgent, and Swearingen—6.

NOES—Messrs. Barr, Bonham, Bush, Childress, Clover, Cowden, Davis of Nodaway, D'Oench, Drake, Ellis, Evans, Fletcher, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hughes, Husmann, King, Linton, McKernan, McPherson, Mack, Morton, Nixdorf, Peck, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Switzler, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—41.

ABSENT WITH LEAVE—Messrs. Adams, Davis of New Madrid, Gilbert of Platte, Green, Hume, Leonard, Martin, Meyer, Owens, and Rankin—10.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Esther, Filley, Foster, Gilstrap, and Grammer—6.

SICK—Mr. Mitchell—1.

So the amendment was not agreed to.

The question then recurring on Mr. Drake's amendment to the thirteenth section, Mr. MACK offered the following amendment to the amendment:

Strike out the word "eight," and insert "six."

And demanded the ayes and noes thereon; and the vote being taken, stood as follows:

AYES—Messrs. Childress, Cowden, Drake, Fletcher, Gamble, Gilbert of Lawrence, Hughes, Mack, Morton, Peck, Smith of Worth, Sutton, Switzler, and Williams of Scotland—14.

NOES—Messrs. Barr, Bonham, Bunce, Bush, Clover, Davis of Nodaway, Dodson, D'Oench, Ellis, Evans, Folmsbee, Fulkerson, Gilstrap, Henderson, Holcomb, Holdsworth, Holland, Husmann, King, Linton, McKernan, McPherson, Newgent, Nixdorf, Rohrer, St. Gem, Smith of Mercer, Strong, Swearingen, Thilenius, Weatherby, Williams of Caldwell, and Mr. President—33.

ABSENT WITH LEAVE—Messrs. Adams, Davis of New Madrid, Gilbert of Platte, Green, Hume, Leonard, Martin, Meyer, Owens, and Rankin—10.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Budd, Esther, Filley, Foster, and Grammer—6.

SICK—Mr. Mitchell—1.

So the amendment was not adopted.

Mr. FLETCHER moved to adjourn until Monday morning.

On this motion Mr. DRAKE demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Bush, Childress, D'Oench, Ellis, Evans, Fletcher, Folmsbee, Gamble, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, McKernan, Morton, Rohrer, St. Gem, Smith of Mercer, Strong, Switzler, Thilenius, and Weatherby—21.

NOES—Messrs. Barr, Bonham, Bunce, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Fulkerson, Gilstrap, Holland, Hughes, King, Linton, McPherson, Mack, Newgent, Nixdorf, Peck, Smith of Worth, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—24.

ABSENT WITH LEAVE—Messrs. Adams, Davis of New Madrid, Gilbert of Platte, Green, Leonard, Martin, Meyer, Owens, Rankin, and Mr. President—10.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Budd, Esther, Filley, Foster, Grammer, Hume, and Husmann—8.

SICK—Mr. Mitchell—1.

So the motion to adjourn until Monday was not agreed to.

On motion of Mr. BUSH, leave of absence was granted the President until Monday next.

Mr. BUSH offered the following amendment to the pending amendment:

Amend the amendment by striking out the word "eight," and insert the word "nine."

The ayes and noes being demanded thereon, the vote stood as follows:

AYES—Messrs. Bush, Clover, Dodson, D'Oench, Evans, Fletcher, Gamble, Gilstrap, Holcomb, Husmann King, Linton, Newgent, Rohrer, St. Gem, Smith of Mercer, Smith of

Worth, Swearingen, Thilenius, and Weatherby—20.

**NOES**—Messrs. Barr, Bonham, Bunce, Childress, Cowden, Davis of Nodaway, Drake, Ellis, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hughes, McKernan, McPherson, Mack, Morton, Peck, Strong, Sutton, Switzler, Williams of Caldwell, and Williams of Scotland—25.

**ABSENT WITH LEAVE**—Messrs. Adams, Davis of New Madrid, Gilbert of Platte, Green, Hume, Leonard, Martin, Meyer, Owens, Rankin, and Mr. President—11.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Budd, Esther, Filley, Foster, Grammer, and Nixdorf—7.

**SICK**—Mr. Mitchell—1.

So the amendment was not agreed to.

The question then being on the amendment offered by Mr. Drake to the thirteenth section, he demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Bunce, Childress, Cowden, Davis of Nodaway, Drake, Ellis, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, McKernan, McPherson, Mack, Peck, Strong, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—24.

**NOES**—Messrs. Bush, Clover, Dodson, D'Oench, Evans, Fletcher, Gilstrap, Holcomb, Husmann, King, Linton, Morton, Newgent, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Switzler, Thilenius, and Weatherby—20.

**ABSENT WITH LEAVE**—Messrs. Adams, Davis of New Madrid, Grammer, Green, Hume, Leonard, Martin, Meyer, Owens, and Mr. President—10.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Budd, Esther, Filley, Foster, Gilbert of Platte, Hughes, Nixdorf, and Rankin—9.  
**SICK**—Mr. Mitchell—1.

So the amendment was adopted.

Mr. DRAKE asked and obtained leave of absence for the Secretary until Tuesday next.

Mr. FLETCHER moved that the Convention adjourn until Monday morning.

On which motion Mr. DAVIS of Nodaway demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Bunce, Bush, Childress, D'Oench, Ellis, Evans, Fletcher, Folmsbee, Gamble, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Husmann, McKernan, McPherson, Mack, Morton, Rohrer, St. Gem, Smith of Mercer, Strong, Swearingen, Switzler, Thilenius, and Weatherby—27.

**NOES**—Messrs. Barr, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Fulkerson, Holland, Hughes, King, Linton, Newgent, Peck, Smith of Worth, Sutton, Williams of Caldwell, and Williams of Scotland—17.

**ABSENT WITH LEAVE**—Messrs. Adams, Davis of New Madrid, Green, Hume, Leonard, Martin, Meyer, Owens, and Mr. President—9.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Budd, Esther, Filley, Foster, Gilbert of Platte, Gilstrap, Grammer, Nixdorf, and Rankin—10.

**SICK**—Mr. Mitchell—1.

So the motion was agreed to, and thereupon the Convention adjourned until Monday morning next, at half-past 9 o'clock.

## SIXTIETH DAY.

MONDAY, MARCH 20th, 1865.

Convention met pursuant to adjournment. The President and Vice President being absent, Mr. BARR was chosen President *pro tem.*, and called the Convention to order.

Prayer by Rev. Mr. Osborne.

Mr. STRONG offered the following amendment to the resolution:

*Resolved*, That the Convention will hereafter meet at 9 o'clock, A. M., and adjourn at 12 M.; and meet at 2 P. M., and adjourn at 5 P. M.

Mr. FLETCHER offered the following substitute for the original resolution and amendment:

*Resolved*, That hereafter this Convention will meet at 9 o'clock, A. M., and adjourn at 2 o'clock, P. M.

Mr. DRAKE demanded the ayes and noes

of the resolution:

Mr. PECK offered the following resolution:

*Resolved*, That this Convention, after its adjournment this evening, shall thereafter meet at 9 o'clock, A. M.

on the substitute, and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, D’Oench, Ellis, Fletcher, Folmsbee, Foster, Gilbert of Platte, Gilstrap, Holdsworth, Rohrer, St. Gem, Switzler, and Weatherby—13.

**NOES**—Messrs. Barr, Budd, Bunce, Childress, Cowden, Davis of Nodaway, Dodson, Drake, Evans, Fulkerson, Gilbert of Lawrence, Henderson, Holcomb, Hughes, King, McPherson, Mack, Morton, Nixdorf, Peck, Strong, Sutton, Swearingen, Williams of Caldwell, Williams of Scotland, and Mr. President—26.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Green, Hume, Husmann, Leonard, McKernan, Martin, Meyer, Owens, and Smith of Worth—10.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Clover, Esther, Filley, Gamble, Grammer, Holland, Linton, Rankin, and Thilenius—11.

**SICK**—Messrs. Bonham, Mitchell, Newgent, and Smith of Mercer—4.

So the substitute was not adopted.

The vote was then taken on the amendment of Mr. Strong, and it was not agreed to.

The original resolution of Mr. Peck was then adopted.

Mr. GILSTRAP presented the following ordinance, which was read the first time:

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:*

**SECTION 1.** The State of Missouri is hereby divided into two districts, for the punishment of crimes, by a line which shall follow the middle of the main channel of the Missouri river, from the east line of the State to the west line thereof; and all that part of the State lying north of the Missouri river shall be called the Northern District, and all that part lying south of said river shall be called the Southern District.

**SEC. 2.** A criminal court of record is hereby established in each of said districts, composed of one judge for each district, who shall be appointed by the Governor of the State, and hold office during his pleasure, until otherwise provided by the General Assembly.

**SEC. 3.** The criminal court hereby established shall have original criminal jurisdiction, concurrent with the circuit courts (except misdemeanors), within each district, co-extensive throughout the district, in all respects as the circuit courts now have in each county. And the judge of each district shall have power to cause to be summoned and impaneled, from time to time, grand juries; to appoint his own times and places within his district for holding his court, to do which no notice shall be required; and it shall continue in session, from day to day (Sundays excepted) as long as may be necessary.

**SEC. 4.** Any person who may have committed any homicide, felony, or other crime

(except misdemeanors), or who may hereafter commit any such crime, against the laws of this State, within either of said districts, may be indicted, tried and convicted in any county in such district. And if the crime shall have been committed within one mile of the line dividing said districts from each other, the offender may be indicted, tried and convicted in either.

**SEC. 5.** No person charged with homicide, felony, or other high crime, shall be admitted to trial in either of said courts, or elsewhere; nor shall the trial of any such person be continued or delayed longer than is necessary to obtain witnesses by direct process. No change of venue shall be granted, nor dilatory plea admitted, except demurrers to the sufficiency of indictments, and motions for new trials, and in arrest of judgment.

**SEC. 6.** The judge of each court may appoint his own clerk, who shall take the same oath, give like bond, and be entitled to the same fees, as circuit court clerks. And each and every sheriff, in each district, shall be subject to be ordered by the judge thereof, to attend his court, summon grand and petit jurors, serve writs and other process, issued from such court, and shall obey the same. The private seal of the clerk, with his signature, shall be a sufficient authentication of any writ or order; and the approval of the judge, following the signature and seal of the clerk, shall be a sufficient authentication of any record. Appeals and writs of error shall lie from these courts to the supreme court.

**SEC. 7.** In each of said districts there shall be a prosecuting attorney, appointed by the Governor, who shall hold office during his pleasure; shall be subject to the same laws, and entitled to the same fees, as circuit attorneys, except that his annual salary, paid quarter-yearly, out of the State treasury, shall be one thousand dollars.

**SEC. 8.** The courts hereby established, except as in this ordinance is provided, shall be governed in all things by existing laws regulating crimes and punishments, and criminal proceedings thereunder.

**SEC. 9.** Each judge of the criminal courts, hereby established, shall receive for his services an annual salary of three thousand dollars, to be paid quarter-yearly, out of the State treasury.

**SEC. 10.** This ordinance may be repealed by the General Assembly, at any time after the first day of November, A. D. 1866.

Mr. MACK moved that the ordinance be rejected.

On this motion Mr. GILSTRAP demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Childress, Cowden, Davis of Nodaway, Drake, Filley, Folmsbee, Fulkerson, Gilbert of Lawrence, Linton, McPherson, Mack, Nixdorf, Peck,

**Strong, Sutton, and Williams of Scotland—17.**

**NOES**—Messrs. Budd, Bush, Clover, Dodson, D’Oench, Ellis, Evans, Foster, Gamble, Gilbert of Platte, Gilstrap, Henderson, Holcomb, Holdsworth, Hughes, King, Morton, Newgent, St. Gem, Smith of Worth, Swearingen, Switzler, Thilenius, Weatherby, and Mr. President—25.

**ABSENT WITH LEAVE**—Messrs. Bedford, Davis of New Madrid, Green, Hume, Husmann, Leonard, McKernan, Martin, Meyer, and Owens—10.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bunce, Esther, Fletcher, Grammer, Holland, Rankin, Rohrer, and Williams of Caldwell—9.

**SICK**—Messrs. Bonham, Mitchell, and Smith of Mercer—3.

So the motion to reject the ordinance was not agreed to.

On motion of Mr. GILSTRAP, the rules were suspended, the ordinance read the second time and ordered to be printed, and referred to the Committee on the Judicial Department.

Mr. SWITZLER offered the following resolution:

*Resolved*, That the Secretary of this Convention inform the Governor that the seat of Thomas B. Harris, of the Third district, has been declared vacant by this body; and that he be requested to issue a proclamation ordering a special election, to fill the vacancy thus occasioned.

Mr. FOLMSBEE moved to amend the resolution by striking out all after the word “body,” and demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Childress, Clover, Cowden, Davis of Nodaway, Dodson, Drake, Ellis, Filley, Folmsbee, Foster, Fulkerston, Gamble, Gilbert of Lawrence, Gilstrap, Holdsworth, Holland, McPherson, Mack, Newgent, Nixdorf, Peek, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, Williams of Scotland, and Mr. President—29.

**NOES**—Messrs. Bush, D’Oench, Evans, Gilbert of Platte, Holcomb, Hughes, Linton, Morton, St. Gem, Switzler, and Thilenius—11.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Green, Hume, Husmann, Leonard, McKernan, Martin, Meyer, and Owens—9.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Budd, Bunce, Esther, Fletcher, Grammer, Henderson, Holland, Rankin, Rohrer, and Williams of Caldwell—12.

**SICK**—Messrs. Bonham, Mitchell, and Smith of Mercer—3.

So the amendment was adopted.

The resolution, as amended, was then adopted.

On motion of Mr. ST. GEM, Mr. Gilstrap was added to the Committee on the Judiciary.

On motion of Mr. DAVIS of Nodaway, the Convention adjourned until half-past 2 o’clock P. M.

## AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. DRAKE, the article on the Judicial Department was taken up.

Mr. DRAKE moved to reconsider the vote adopting the amendment to section seventh, striking out the words “sixty-eight,” and inserting in lieu thereof the word “seventy;” which was agreed to.

The question then recurring on the amendment, it was not agreed to.

Mr. DRAKE moved to reconsider the vote adopting the amendment inserted in section fourteenth, between lines nine and ten; which was agreed to.

Mr. DRAKE offered the following amendment to the amendment, which was adopted:

Amend the amendment, to come in between lines nine and ten, of section fourteen, by striking out the word “seventy,” and inserting in lieu thereof the words “sixty-eight.”

And the amendment as amended was adopted.

Mr. DRAKE moved to reconsider the vote adopting a new section to come in after section fourteenth, which was agreed to.

Mr. DRAKE moved to amend said new section by striking out the word “seventy,” and inserting in lieu thereof the words “sixty-eight,” which was agreed to.

And the said section, as amended, was then adopted.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section eighth, line third, by inserting, after the word “election,” the words “occurring more than three months after the happening of such vacancy.”

Mr. WEATHERBY offered the following amendment:

Strike out sections twenty-first, twenty-second and twenty-third, and insert the following in lieu thereof:

**SECTION —.** A court of common pleas is hereby established in each county in the

State, except St. Louis county, composed of one judge; and shall have jurisdiction in all places and matters as a court of probate; of all misdemeanors on plaint or petition, and concurrent jurisdiction with justices of the peace and the circuit courts, in all actions wherein the debt or damages claimed, exclusive of interest, shall not exceed five hundred dollars; of actions for the recovery of personal property, and actions of forcible entry and detainer; to foreclose mortgages and enforce vendors' liens, which jurisdiction may be increased by the General Assembly. The circuits provided by law for the circuit courts, shall compose the circuits for the common pleas court, in each of which a judge shall be appointed by the Governor, or elected by the people, in the same manner and for the same period as judges of the circuit courts, and shall be entitled to the same salary, and paid quarterly by the counties of his circuit, in such portion as the judge of the circuit may determine.

**SEC. —.** The court of common pleas shall be a court of record, and shall be held at the places of holding the circuit courts, and the county clerk of each county shall be the clerk of each court.

**SEC. —.** The judges of common pleas shall hold four terms of the court of common pleas annually in each county, at such time as they shall determine, until otherwise provided by law. Appeals and writs of error shall lie from the court of common pleas to the district or supreme court, in the same manner as from the circuit court.

Mr. DRAKE offered the following substitute for the amendment offered by Mr. Weatherby:

Strike out sections twenty-first, twenty-second and twenty-third, and insert in lieu thereof the following: Inferior tribunals, to be known as county courts, shall be established in each county for the transaction of all county business, and with such other jurisdiction as may be conferred by law.

Mr. DRAKE demanded the ayes and noes on his substitute, and the vote being taken, stood as follows:

**A YES**—Messrs. Barr, Bunce, Bush, Childress, Cowden, Navis of Nodaway, Dodson, D'Oench, Drake, Ellis, Evans, Fletcher, Folsom, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Holecomb, Holdsworth, Hughes, King, Linton, McPherson, Mack, Newgent, Peck, Sutton, Swearingen, Switzler, Thilenius, Williams of Scotland, and Mr. President—33.

**NOES**—Messrs. Foster, Gilbert of Platte, Morton, Rohrer, St. Gem, Smith of Worth, Strong, Weatherby, and Williams of Caldwell—9.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Green, Hume, Husmann, Leonard, McKernan, Martin, Meyer, and Owens—9.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Budd, Clover, Esther, Filley, Grammer, Holland, and Rankin—9.

**SICK**—Messrs. Bonham, Henderson, Mitchell, and Smith of Mercer—4.

So the substitute was adopted.

Mr. DRAKE offered the following amendment:

Amend section twenty-two by adding thereto the following: The judge of the probate court shall be *ex-officio* one of the justices, and the presiding justice, of the county court.

Mr. DRAKE withdrew his amendment.

Mr. WEATHERBY offered the following amendment:

Amend section twenty-two by adding thereto the following: County courts and probate courts shall be established in each county in this State, which shall have jurisdiction of misdemeanors, and other subordinate jurisdiction. The probate court shall be composed of one judge, who shall also be one of the three, and the presiding judge, of the county court.

Mr. SMITH of Worth moved to refer the article and pending amendments to the Committee on the Judicial Department.

On motion of Mr. KING, the Convention adjourned until 9 o'clock to-morrow morning.

## SIXTY-FIRST DAY.

TUESDAY, MARCH 21st, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Armstrong.

The pending motion of Mr. Smith of Worth was called up and rejected.

Mr. WEATHERBY offered the following, in

lieu of the substitute presented by him yesterday:

Strike out sections twenty-one, twenty-two, and twenty-three, and insert the following:

**SEC. —.** Inferior tribunals, for the transaction of county business, shall be estab-

tailed in each county; and separate inferior tribunals, in each county, composed of one judge, shall be established, with probate jurisdiction, and such other jurisdiction as the General Assembly may provide.

SEC. —. The judge of probate, in each county, shall be *ex-officio* a member of the county court of their county, and the presiding judge thereof.

Which substitute, after debate, was rejected.

The question then recurring on the amendment of Mr. Drake, Mr. BONHAM moved to strike out all after the word "business;" which motion was rejected.

The question then being on the amendment of Mr. Drake, he demanded the ayes and noes thereon, and the vote being taken stood as follows:

AYES—Messrs. Barr, Childress, Cowden, Drake, Evans, Fletcher, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holcomb, McPherson, Mack, Newgent, Nixdorf, Peck, Rankin, Sutton, Swearingen, Switzler, and Mr. President—21.

NOES—Messrs. Bonham, Bush, Davis of Nodaway, Dodson, D'Oench, Folmsbee, Gilbert of Platte, Gilstrap, King, Linton, Morton, Owens, Rohrer, St. Gem, Smith of Worth, Strong, Thilenius, Weatherby and Williams of Scotland—19.

ABSENT WITH LEAVE—Messrs. Davis of New Madrid, Hume, Husmann, Leonard, McKernan, Martin, and Meyer—7.

ABSENT WITHOUT LEAVE—Messrs. Adams, Bedford, Budd, Bunce, Clover, Ellis, Esther, Filley, Foster, Grammer, Holdsworth, Holland, Hughes, and Williams of Caldwell—14.

SICK—Messrs. Mitchell and Smith of Worth—2.

EXCUSED—Mr. Green—1.

So the amendment was adopted.

Mr. GILBERT of Platte offered the following amendment:

Amend section sixteen by adding thereto the following words: Nor of any court of record except county courts, until he shall have been at least five years a licensed, practicing lawyer.

Mr. BUNCE moved to amend the amendment, by excepting Cooper county.

Mr. BONHAM offered the following as a substitute for Mr. Gilbert's amendment:

And have been licensed to practice law in the courts of some one of the United States for five years previous to his election.

On motion of Mr. DRAKE, the amendment offered by Mr. Gilbert of Platte, together with the amendment thereto and substitute therefor were laid on the table.

The question recurring on Mr. Drake's amendment to section twentieth, Mr. STRONG moved to amend the amendment, as follows:

Strike out the words "clerks of circuit courts and county courts," and insert as follows: "clerks of all other courts of record."

Which was agreed to.

Mr. Drake's amendment, as amended, was then adopted.

Mr. STRONG offered the following amendment, which was adopted:

Add, at the end of section twelfth, "and have been a qualified voter of this State for three years."

Mr. STRONG offered the following amendment, which was adopted:

Amend section thirteen, by inserting, in line one, after the word "circuits," the words "not exceeding sixteen, of which the county of St. Louis shall constitute one."

Mr. BUSN offered the following additional section:

SEC. —. The General Assembly may modify or abolish the grand jury system.

On this question Mr. BARR demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Bush, Clover, D'Oench, Gamble, Holcomb, Newgent, Nixdorf, Owens, Rohrer, and Weatherby—10.

NOES—Messrs. Barr, Bonham, Budd, Bunce, Childress, Cowden, Davis of Nodaway, Drake, Evans, Folmsbee, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Henderson, Hughes, King, Linton McPherson, Mack, Morton, Peck, Rankin, Smith of Worth, Strong, Sutton, Swearingen, Switzler, Williams of Scotland, and Mr. President—29.

ABSENT WITH LEAVE—Messrs. Davis of New Madrid, Hume, Husmann, Leonard, McKernan, Martin, and Meyer—7.

ABSENT WITHOUT LEAVE—Messrs. Adams, Bedford, Dodson, Ellis, Esther, Filley, Fletcher, Foster, Gilstrap, Grammer, Green, Holdsworth, Holland, St. Gem, Thilenius, and Williams of Caldwell—16.

SICK—Messrs. Mitchell and Smith of Mercer—2.

So the amendment was rejected.

Mr. OWENS offered the following amendment:

Strike out section eighteenth, and insert the following: The salary of each judge of the supreme court shall be four thousand dollars per annum, and the salary of each judge of the circuit court shall be three thousand dollars per annum, payable quarterly, and shall not be increased or diminished during his continuance in office.

**Mr. DRAKE** moved to lay the amendment on the table, and demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bunce, Childress, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Hughes, King, McPherson, Mack, Morton, Newgent, Nixdorf, Peck, Rankin, Sutton, Swearingen, Switzer, Williams of Caldwell, and Williams of Scotland—26.

**NOES**—Messrs. Bonham, Bush, Clover, D’Oench, Fletcher, Folmsbee, Gilbert of Platte, Gilstrap, Green, Holcom, Linton, Owens, Smith of Worth Strong, Weatherby, and Mr. President—16.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Hume, Husmann, Leonard, McKernan, Martin, and Meyer—7.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Budd, Cowden, Esther, Filley, Foster, Grammer, Holdsworth, Holland, Rohrer, St. Gem, and Thilenius—13.

**SICK**—Messrs. Mitchell and Smith of Mercer—2.

So the amendment was laid on the table.

**Mr. NEWGENT** moved to reconsider the vote on the adoption of Mr. Drake’s amendment to sections twenty-one, twenty-two and twenty-three.

On this motion Mr. DRAKE demanded the ayes and noes, which being taken, the vote stood as follows:

**AYES**—Messrs. Budd, Bush, Clover, Cowden, Dodson, D’Oench, Ellis, Evans, Fletcher, Folmsbee, Fulkerson, Gilbert of Platte, Gilstrap, Green, Henderson, Holcomb, Linton, Morton, Newgent, Nixdorf, Owens, Rankin, Rohrer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Mr. President—30.

**NOES**—Messrs. Barr, Bonham, Bunce, Childress, Davis of Nodaway, Drake, Gamble, Gilbert of Lawrence, Hughes, King, McPherson, Mack, Peck, and Williams of Scotland—14.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Humes, Hume, Husmann, Leonard, McKernan, Martin, and Meyer—8.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Esther, Filley, Foster, Grammer, Holdsworth, St. Gem, Switzer, and Thilenius—10.

**SICK**—Messrs. Mitchell and Smith of Mercer—2.

So the motion to reconsider was agreed to.

**Mr. WEATHERBY** offered the following amendment, which was disagreed to:

Strike out sections twenty-second and twenty-third, and insert as follows: There shall be established, in each senatorial district in this State, a probate court, which

shall be a court of record, open at all times, and holden by one judge (elected by the voters of the district), who shall hold his office for the term of six years, and shall receive such compensation, payable out of the county treasuries of the counties composing the district (or fees, or both), as shall be provided by law.

The question then recurring on Mr. Drake’s amendment, he withdrew the same, and offered the following in lieu thereof, which was adopted:

Strike out sections twenty-first, twenty-second, and twenty-third, and insert in lieu thereof the following:

**SEC. 21.** Inferior tribunals, to be known as county courts, shall be established in each county, for the transaction of all county business. In such courts, or in such other tribunals inferior to the circuit courts as the General Assembly may establish, shall be vested the jurisdiction of all matters appertaining to probate business; to granting letters testamentary and of administration; to settling the accounts of executors, administrators, and guardians; and to the appointment of guardians, and such other jurisdiction as may be conferred by law.

**Mr. GREEN** offered the following amendment, which was rejected:

Amend section eleventh by striking out, in second line, the words “and upon solemn occasions.”

**Mr. STRONG** moved to strike out section eleventh, which was rejected.

On motion, the Convention adjourned until half-past 2 o’clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

**Mr. BARR** moved to reconsider the vote on Mr. Strong’s amendment to section thirteenth.

After debate, Mr. BARR withdrew his motion.

**Mr. STRONG** moved to reconsider the vote on the adoption of the amendment of Mr. Drake, to add an additional section after section eleventh of the article on Judicial Department, establishing district courts.

**Mr. BUDD** moved to lay the motion of Mr. Strong on the table, and on this motion Mr. BONHAM demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Budd, Bunce, Childress, Davis of Nodaway, Drake, Evans,

Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, McPherson, Mack, Peck, Rankin, Sutton, and Williams of Caldwell—18.

**NOES**—Messrs. Barr, Bush, Clover, Dodson, Fletcher, Folmsbee, Foster, Gilbert of Platte, Gilstrap, King, Linton, Morton, Nixdorf, Owens, Rohrer, St. Gem, Smith of Worth, Strong, Swearingen, Switzler, Thilenius, Weatherby, Williams of Scotland, and Mr. President—24.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Holland, Hume, Husmann, Leonard, McKernan, Martin, and Meyer—8.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, D’Oench, Ellis, Esther, Filley, Grammer, Green, Holcomb, Hughes, and Newgent—11.

**SICK**—Messrs. Cowden, Mitchell, and Smith of Mercer—3.

So the motion to lay on the table was rejected.

The question then recurring on Mr. Strong’s motion to reconsider, Mr. Bonham demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, Dodson, Fletcher, Foster, Gilbert of Platte, Gilstrap, Linton, Morton, Newgent, Nixdorf, Owens, Rohrer, St. Gem, Smith of Worth, Strong, Swearingen, Switzler, Thilenius, Weatherby, Williams of Caldwell, and Mr. President—21.

**NOES**—Messrs. Barr, Bonham, Budd, Bunee, Childress, Clover, Cowden, Davis of Nodaway, Drake, Evans, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, King, McPherson, Mack, Peck, Rankin, Sutton, Williams of Scotland—23.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Holland, Hume, Husmann, Leonard, McKernan, Martin, and Meyer—8.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, D’Oench, Ellis, Esther, Filley, Grammer, Green, Holcomb, and Hughes—10.

**SICK**—Messrs. Mitchell and Smith of Mercer—2.

So the motion to reconsider was rejected.

Mr. DRAKE offered the following amendment:

Add to section thirteenth the following: After the year one thousand eight hundred and seventy, the General Assembly may increase the number of judicial circuits as the public interest may require.

Mr. OWENS moved to amend the amendment of Mr. Drake as follows:

Strike out all before the year one thousand eight hundred and seventy.

Which was rejected.

The question then being on the amendment of Mr. Drake, Mr. WILLIAMS of Caldwell demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunee, Childress, Cowden, Dodson, Drake, Evans, Folmsbee, Gilbert of Lawrence, Henderson, Holdsworth, King, McPherson, Mack, Peck, Rankin, Sutton, and Williams of Scotland—20.

**NOES**—Messrs. Bush, Clover, Davis of Nodaway, Fletcher, Foster, Fulkerson, Gamble, Gilbert of Platte, Gilstrap, Linton, Morton, Newgent, Nixdorf, Owens, Rohrer, St. Gem, Smith of Worth, Strong, Swearingen, Switzler, Thilenius, Weatherby, Williams of Caldwell, and Mr. President—24.

**ABSENT WITH LEAVE**—Messrs. Holland, Hume, Husmann, Leonard, McKernan, Martin, and Meyer—7.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Ellis, Esther, Filley, Grammer, Green, Holcomb, and Hughes—10.

**SICK**—Messrs. D’Oench, Mitchell, and Smith of Mercer—3.

So the amendment was not agreed to.

Mr. DRAKE moved to reconsider the vote upon the amendment offered by Mr. Strong to section thirteen, inserting, after the word “circuits,” in the first line, the words “not exceeding sixteen, of which the county of St. Louis shall constitute one.”

Mr. ST. GEM moved to lay the motion on the table; on which Mr. GILSTRAP demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, Davis of Nodaway, Fletcher, Foster, Gamble, Gilbert of Platte, Linton, Morton, Nixdorf, Owens, Rohrer, St. Gem, Strong, Sutton, Switzler, Thilenius, Weatherby, and Williams of Scotland—18.

**NOES**—Messrs. Barr, Bonham, Budd, Bunee, Childress, Clover, Cowden, Dodson, Drake, Evans, Folmsbee, Fulkerson, Gilbert of Lawrence, Gilstrap, Henderson, Holdsworth, King, McPherson, Mack, Newgent, Peck, Rankin, Smith of Worth, Swearingen, Williams of Caldwell, and Mr. President—26.

**ABSENT WITH LEAVE**—Messrs. Holland, Hume, Husmann, Leonard, McKernan, Martin, and Meyer—7.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Ellis, Esther, Filley, Grammer, Green, Holcomb, and Hughes—10.

**SICK**—Messrs. D’Oench, Mitchell, and Smith of Mercer—3.

So the motion to lay on the table the motion to reconsider was not agreed to.

The question then being on Mr. Drake’s

motion, he demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Budd, Bunce, Clover, Cowden, Dodson, Drake, Evans, Gilstrap, King, McPherson, Mack, Nixdorf, Peck, Rankin, Sutton, Swearingen, and Williams of Caldwell—18.

**NOES**—Messrs. Bonham, Bush, Davis of Nodaway, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Henderson, Holcomb, Holdsworth, Linton, Morton, Newgent, Owens, Rohrer, Smith of Worth, Strong, Switzler, Thilenius, Weatherby, Williams of Scotland, and Mr. President—24.

**ABSENT WITH LEAVE**—Messrs. Holland, Hume, Husmann, Leonard, McKernan, Martin, and Meyer—7.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Childress, Davis of New Madrid, Ellis, Esther, Filley, Fletcher, Grammer, Green, Hughes, and St. Gem—12.

**SICK**—Messrs. D'Oench, Mitchell, and Smith of Mercer—3.

So the motion to reconsider was not agreed to.

On motion of Mr. DRAKE, the article on the Judiciary Department was ordered to be engrossed for a third reading.

Mr. BUDD moved to discharge the Committee of the Whole from the further consideration of the article on State Indebtedness, and to consider it now in Convention; which was agreed to.

Mr. OWENS moved that a committee of nine be appointed—one from each congressional district—to divide the State by counties into sixteen judicial circuits, and they report at an early day as practicable; which was agreed to.

Mr. BUDD moved to take up the article on State Indebtedness; which was agreed to.

Pending the consideration of which, on motion, the Convention adjourned until 9 o'clock to-morrow morning.

## SIXTY-SECOND DAY.

WEDNESDAY, MARCH 22d, 1865.

Convention met pursuant to adjournment, the President in the chair.

Mr. DRAKE offered the following resolution:

*Resolved*, That the Committee on Judicial Circuits be instructed to report a division of the State into four judicial districts, with the times and places of holding district courts therein.

The PRESIDENT announced the following named gentlemen as a committee to divide the State into sixteen judicial circuits, as provided for in the motion of Mr. Owens, agreed to yesterday:

Messrs. Clover, Owens, Sutton, Mack, Foster, Gilbert of Platte, Weatherby, Gilstrap, and Holdsworth.

Mr. STRONG moved to amend the resolution offered by Mr. Drake, by striking out the word “four” and inserting “five;” which was agreed to.

Mr. Drake's resolution as amended was then adopted.

On motion of Mr. HOLCOMB, the leave of absence granted to Mr. Leonard, was extended for one week.

On motion of Mr. SMITH of Mercer, leave of absence was granted to the Sergeant-at-arms for two days.

On motion of Mr. BARR, the regular order of this day, being the ordinance for the organization of the Missouri militia, was taken up.

Mr. BARR offered the following amendment thereto:

Strike out section two and insert the following: The Governor may nominate, and by and with the consent of the Senate, appoint one brigadier general for each brigade regularly organized and ordered into active service; each brigade thus organized and ordered into actual service by the commander-in-chief, shall not be composed of a less number than three regiments, consisting of eight hundred and thirty men each.

The question being on the amendment of Mr. Barr, Mr. ST. GEM demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bedford, Bonham, Bunce, Bush, Childress, Clover, Davis of Nodaway, Drake, Ellis, Evans, Filley, Fletcher, Folmsbee, Foster, Fulkerson, Gilbert of Lawrence, Green, Henderson,

Holcomb, Holdsworth, King, Linton, McPherson, Mack, Nixdorf, Peck, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Mr. President—37.

**NOES**—Messrs. Dodson, D’Oench, Gamble, Gilbert of Platte, Gilstrap, Morton, Newgent, Owens, St. Gem, Thilenius, and Williams of Scotland—11.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Holland, Hume, Husmann, Leonard, McKernan, Martin, and Meyer—8.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Esther, Grammer, and Switzler—4.

**SICK**—Messrs. Budd, Cowden, Hughes, and Mitchell—4.

So the amendment was adopted.

Mr. DRAKE offered the following amendment, which was adopted:

Amend by striking out section first, and inserting, in lieu thereof, the following: The organization of the militia of this State, under the act of the General Assembly, entitled “An act for the organization and government of the Missouri militia,” approved February 10, 1865, may be made at such time as the Governor may direct, anything in the twenty-first section of said act to the contrary notwithstanding.

Mr. STRONG offered the following amendment:

Strike out sections one and two, and insert, as section one, the following:

**SECTION 1.** As soon as the militia shall be enrolled, they shall organize themselves into platoons and companies, within such time as the Governor shall direct; and if they fail to organize within the time named, the Governor shall organize them into companies, and commission competent officers to command them. He shall also organize said companies into regiments, and appoint the necessary regimental officers. No company of militia shall be called into actual service, or taken from the county in which it is organized, except to repel actual invasion, or to resist and capture, or destroy, armed bands of murderers or marauders. The Governor may appoint two general officers of experience and skill, with the rank and pay of colonel, to superintend the enrollment and organization of the militia, as herein provided for, under direction of the Governor; and no officers of higher grades than in this ordinance are specified, shall be appointed. All acts or parts of acts inconsistent herewith are hereby repealed.

The question being on the amendment of Mr. Strong, Mr. MACK demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Childress, Evans, Fulkerson, Gilbert of Lawrence, Platte, Henderson, Mack, Morton, Newgent, Nixdorf, Owens, Rankin, St. Gem, Smith of

Worth, Strong, Swearingen, Switzler, and Williams of Scotland—19,

**NOES**—Messrs. Barr, Bonham, Bunce, Bush, Clover, Davis of Nodaway, Dodson, D’Oench, Drake, Filley, Fletcher, Folmsbee, Gamble, Gilstrap, Green, Holcomb, Holdsworth, King, Linton, McPherson, Peck, Rohrer, Smith of Mercer, Sutton, Weatherby, and Mr. President—26.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Holland, Hume, Husmann, Leonard, McKernan, Martin, and Meyer—8.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Ellis, Esther, Foster, Grammer, Thilenius, and Williams of Caldwell—7.

**SICK**—Messrs. Budd, Cowden, Hughes, and Mitchell—4.

So the amendment was not agreed to.

Mr. BONHAM offered the following amendment:

Amend section two by prefixing thereto the following words: “There shall be no military grade higher than a brigadier general, and.”

Which was adopted.

Mr. BONHAM moved to strike out section third of the ordinance for the organization of the Missouri militia; which motion was withdrawn.

Mr. DRAKE moved to reconsider the vote by which the second section of the militia ordinance was stricken out, and Mr. Barr’s substitute was adopted.

On which, Mr. BONHAM demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bunce, Bush, Clover, Dodson, Drake, Gamble, Gilbert of Platte, King, Linton, Swearingen, and Thilenius—11.

**NOES**—Messrs. Barr, Bedford, Bonham, Childress, Davis of Nodaway, D’Oench, Evans, Fletcher, Folmsbee, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Mack, Newgent, Nixdorf, Peck, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Weatherby, and Williams of Scotland—24.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Holland, Hume, Husmann, Leonard, McKernan, Martin, and Meyer—8.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Ellis, Esther, Filley, Foster, Gilstrap, Grammer, Green, McPherson, Morton, Owens, Rankin, St. Gem, Switzler, Williams of Caldwell, and Mr. President—16.

**SICK**—Messrs. Budd, Cowden, Hughes, and Mitchell—4.

**EXCUSED**—Mr. Fulkerson—1.

So the motion to reconsider was not agreed to.

On motion of Mr. FLETCHER, leave of absence was granted Mr. St. Gem for this afternoon.

Mr. STRONG offered the following as an additional section:

This ordinance shall take effect from and after its adoption, and all acts and ordinances inconsistent herewith are hereby repealed.

Pending which, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

The Convention ordered a call of the house, and the following members responded to their names:

Messrs. Bonham, Childress, Davis of Nodaway, Dodson, Drake, Folmsbee, Foster, Fulkerison, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, King, McPherson, Mack, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, Sutton, Thilenen, Williams of Caldwell, Williams of Scotland, and Mr. President—26.

ABSENT WITH LEAVE—Messrs. Davis of New Madrid, Holland, Hume, Husmann, Leonard, McKernan, Martin, and Meyer—8.

SICK—Messrs. Budd, Cowden, Hughes, and Mitchell—4.

ABSENT WITHOUT LEAVE—Messrs. Adams, Barr, Bedford, Bumee, Bush, Clover, D'Oench, Ellis, Esther, Evans, Filley, Fletcher, Gilbert of Platte, Gilstrop, Grammer, Green, Holcomb, Linton, Morton, St. Geni, Smith of Mercer, Smith of Worth, Strong, Swearingen, Switzler, and Weatherby—26.

The Sergeant-at-arms reported Messrs. Strong, Bush, Gilbert of Platte, Holcomb and Green without the bar, and under arrest.

Messrs. Strong and Bush rendered their excuse; and on motion of Mr. FOLMSBEE, they were excused by the Convention.

On motion of Mr. NEWGENT, further proceedings under the call were dispensed with.

Mr. BUSH moved to refer the ordinance for the organization of the Missouri militia, with its amendments, to a special committee; which motion was agreed to.

The PRESIDENT announced the following as said committee: Messrs. Barr, Foster and Strong.

On motion of Mr. DRAKE, the article on the Mode of amending and revising the Constitution was taken up.

Mr. DRAKE called up the amendment, previously offered by him, to said article, and which, modified by him, is as follows:

Strike out section third, and insert in lieu thereof the following: The General Assembly may, at any time or times after the year one thousand eight hundred and seventy, authorize, by law, a vote of the people to be taken upon the question whether a Convention shall be held for the purpose of revising and amending the Constitution of this State; and if, at such election, a majority of the votes on the question be in favor of a Convention, the Governor shall issue writs to the sheriffs of the different counties, ordering the election of delegates to such a Convention, on a day within three months after that on which the said question shall have been voted on. At such election, each senatorial district shall elect two delegates for each Senator to which it may then be entitled in the General Assembly, and every such delegate shall have the qualifications of a Senator. The election shall be conducted in conformity with the laws regulating the election of Senators. The delegates so elected shall meet on the fourth Wednesday succeeding their election, at such place as may be provided by law, and organize themselves into a Convention, in such manner as they may determine upon, and proceed to revise and amend the Constitution; and the Constitution, when so revised and amended, shall, on a day to be therein fixed, not less than sixty nor more than ninety days after that on which it shall have been adopted by the Convention, be submitted to a vote of the people for and against it, at an election to be held for that purpose only; and if a majority of all the votes given be in favor of such Constitution, it shall, at the end of thirty days after such election, become the Constitution of this State. The result of such election shall be made known by proclamation by the Governor. The General Assembly shall have no power, otherwise than as in this section specified, to authorize a Convention for revising and amending the Constitution.

Mr. SWITZLER moved to amend Mr. Drake's amendment, as follows:

Strike out of the first and second lines the words "or times after the year one thousand eight hundred and seventy."

Which amendment was accepted by Mr. DRAKE.

Pending which, Mr. GILSTRAP offered the following amendment:

Amend by adding to the amendment: *Provided*, That this Constitution shall be submitted to a vote of the people, for their ratification or rejection, on the — day of —.

After debate, Mr. GILSTRAP withdrew his amendment.

The question being on the adoption of the amendment offered by Mr. Drake, he

demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bedford, Bonham, Childress, Clover, Davis of Nodaway, Dodson, D’Oench, Drake, Evans, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Green, Henderson, King, McPherson, Mack, Morton, Newgent, Nixdorf, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland—33.

**NOES**—Messrs. Bush, Gilstrap, Holcomb, Linton, Owens, Thilenius, and Mr. President—7.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Holland, Hume, Husmann, Leonard, McKernan, Martin, Meyer, and St. Gem—9.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bunce, Esther, Filley, Fletcher, Foster, Grammer, Holdsworth, Rohrer, and Switzer—10.

**SICK**—Messrs. Budd, Cowden, Hughes, and Mitchell—4.

**EXCUSED**—Mr. Ellis—1.

So the amendment was adopted.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section two by striking out the words “having the largest circulation therein.”

Mr. GILSTRAP offered the following amendment, which was adopted:

Strike out, in seventh line, second section, the word “coming,” and insert “ensuing.”

Mr. BUSH offered the following amendment, which was rejected:

Insert in section three, after the word “time,” the words, “and shall not, later than in the year 1880, and each twentieth year thereafter.”

Mr. GILSTRAP offered the following amendment, which was adopted:

Amend section two, line thirteen, by striking out the word “parts,” and insert in lieu thereof the words “a part.”

## SIXTY-THIRD DAY.

THURSDAY, MARCH 23d, 1865.

Convention met pursuant to adjournment, the President in the chair.

Mr. BARR called up the resolution offered by Mr. Smith of Worth, on the eighth day of the session of this body, relative to print-

ing four thousand nine hundred copies of the Ordinance of Emancipation.

Mr. DRAKE offered the following resolution:

*Resolved*, That the Committee on the Legislative Department be instructed to report, by ordinance or otherwise, provisions for the submission of the Constitution adopted by this Convention to a vote of the people for ratification.

On this, Mr. DRAKE demanded the previous question, which was sustained.

The question then being on the resolution offered by Mr. Drake, Mr. CLOVER demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bedford, Bonham, Bunce, Bush, Childress, Clover, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Green, Henderson, Holcomb, Holdsworth, King, Linton, McPherson, Mack, Morton, Newgent, Nixdorf, Owens, Peck, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzer, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—44.

**NOES**—None.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Holland, Hume, Husmann, Leonard, McKernan, Martin, Meyer, and St. Gem—9.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, D’Oench, Esther, Filley, Fletcher, Foster, and Grammer—7.

**SICK**—Messrs. Budd, Cowden, Hughes, and Mitchell—4.

So the resolution was unanimously adopted.

On motion, Convention adjourned until 9 o’clock to-morrow morning.

tive to printing four thousand nine hundred copies of the Ordinance of Emancipation.

Mr. HUGHES demanded the previous question, which was sustained by the Convention.

The question then being on the motion of Mr. GILSTRAP, the same was carried.

On motion of Mr. BONHAM, the article on Railroad Indebtedness was taken up.

Mr. BUDD offered the following amendment:

Strike out the word "March," in the sixth line of section first, and insert in lieu thereof "July."

Which was agreed to.

Mr. GILSTRAP offered the following substitute for the article on Railroad Indebtedness, and other articles therewith connected:

#### ARTICLE —.

##### *Railroads, and State Indebtedness.*

SECTION 1. The General Assembly shall have no power to release, diminish, or permit to be encumbered, any mortgage lien, statutory lien or other security which the State now holds upon the property—real, personal, or mixed—of any railroad company incorporated under the laws of this State, for the payment of any debt or other liability, due or to become due to said State from any such railroad company, except upon payment in money. Nor shall the General Assembly have any power to loan the credit of the State, in the form of bonds, guarantees, securities, or otherwise; or to loan money to any railroad company.

SEC. 2. The property—real, personal, and mixed—of any railroad company, and all other private corporations within this State, shall be subject to taxation, in the same manner and to the same extent as the property of the citizens of the State is subject to taxation, anything in their charters to the contrary notwithstanding.

SEC. 3. No railroad company shall be taxed upon its tonnage freight, or carrying business, nor upon the passengers carried by it; nor shall any railroad company be permitted to charge any greater rate per mile, for freight or passage, than that fixed by law.

SEC. 4. The General Assembly shall provide, by law, for the payment of the State debt; and for that purpose may set apart, as a sinking fund, such part of the State revenue as they may think expedient.

Mr. BONHAM moved to pass over the article on Railroad Indebtedness, temporarily, and order the substitute offered by Mr. Gilstrap for the same to be printed; which was carried.

On request of Mr. ROHRER, leave of absence was granted to Mr. Nixdorf for five days.

The Chairman of the Committee on the Legislative Department presented the following additional article, entitled "Provisions for putting this Constitution into force," which was read a first and second time, and ordered to be printed:

#### ARTICLE —.

##### *Provisions for putting this Constitution into force.*

SECTION 1. The preceding parts of this instrument shall not take effect unless this Constitution be adopted by the people, at the election to be held as hereinafter directed; but the provisions of this article shall be in force from the day of the adoption of this Constitution by the representatives of the people in their Convention assembled.

SEC. 2. For the purpose of ascertaining the sense of the people in regard to the adoption or rejection of this Constitution, the same shall be submitted to the qualified voters of the State, at an election to be held on the \_\_\_ day of \_\_\_, one thousand eight hundred and sixty-five, at the several election precincts in this State, and elsewhere, as hereinafter provided. On that day, or on any day not more than fifteen days prior thereto, such qualified voters of this State as shall then be absent from the places of their residence, by reason of being in the military service of the United States, or of this State, whether they then be in or out of this State, shall be entitled to vote on the adoption or rejection of this Constitution. For that purpose a poll shall be opened in each Missouri regiment or company in such service, at the quarters of the commanding officer thereof, and the voters of this State belonging to such regiment or company, and any others belonging to any such regiment or company, and who may be present, may vote at such poll. Any one or two commissioned officers of such regiment or company, who may be present at the opening of the poll, shall act as judge or judges of the election; and if no such officer be present, then the voters of such regiment or company present shall elect two of the voters present to act as such judges. Every such judge shall, before any votes are received, take an oath, or affirmation, that he will honestly and faithfully perform the duties of judge, and make proper returns of the votes given at such election; and such oath the judges may administer to each other. In any election held in a regiment or company, the polls shall be opened at eight o'clock, A. M., and closed at six o'clock, P. M.

SEC. 3. The election provided for in the next preceding section shall be by ballot. Those ballots in favor of the Constitution shall have written or printed thereon the words "New Constitution—Yes;" those against the Constitution shall have written or printed thereon the words "New Constitution—No."

SEC. 4. The said election shall be conducted by, and the returns thereof made to, the clerks of the several county courts, and by them certified to the Secretary of State, as provided by law in the case of elections of State officers; and where an election shall be held in a regiment or company, the returns thereof, with the poll-books, shall be certified to the Secretary of State, and may be transmitted by mail, or by any messenger to whom the judges of the election may entrust the same for that purpose.

SEC. 5. Any qualified voter of this State, within the State, who, on the day of said election, shall be absent from the place of his residence, may vote at any place of voting, upon satisfying the judges that he is a qualified voter, and being sworn by them that he has not voted, and will not vote, in said election, at any other election precinct.

SEC. 6. At said election, no person shall be allowed to vote who is not a qualified voter according to the terms of this Constitution. The judges of election shall administer, to every person offering to vote, the oath or affirmation prescribed by this Constitution, in lieu of the oath now required to be taken by voters, under the ordinance of June 10, 1862; and should any such person decline to take said oath, he shall not be permitted to vote at said election; but the taking thereof shall not be deemed conclusive evidence of the right of such person to vote, but such right may be disputed and disproved.

SEC. 7. On the — day of — next ensuing said election, the Secretary of State shall, in presence of the Governor, the Attorney General, or the State Auditor, proceed to examine and cast up the returns of the votes taken at said election, and certified to him, including those of persons in the military service; and if it shall appear that a majority of all the votes cast at such election were in favor of the Constitution, the Governor shall issue his proclamation, stating that fact; and this Constitution shall, on the fourth day of July next ensuing, be the Constitution of the State of Missouri.

Mr. DRAKE offered the following resolution:

*Resolved*, That the rules of debate in force in the Convention shall be applicable and enforced in the Committee of the Whole.

Mr. BONHAM offered the following as a substitute for the resolution:

*Resolved*, That the Committee of the Whole be abolished in this Convention.

Which was decided out of order.

Mr. DAVIS of Nodaway demanded the previous question, which was not sustained.

The question being on the adoption of the resolution of Mr. Drake, Mr. BONHAM demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bonham, Budd, Childress, Davis of Nodaway, Drake, Filley, Fulkerson, Newgent, Peek, Sutton,

Swearingen, Weatherby, and Williams of Scotland—14.

NOES—Messrs. Bedford, Bush, Clover, Dodson, D'Oench, Ellis, Evans, Fohusbee, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Green, Holcomb, Hughes, Hune, King, Linton, McPherson, Owens, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Switzler, Thilenius, and Mr. President—27.

ABSENT WITH LEAVE—Messrs. Davis of New Madrid, Holland, Husmann, Leonard, Martin, Meyer, and Nixdorf—7.

ABSENT WITHOUT LEAVE—Messrs. Adams, Bunce, Esther, Fletcher, Foster, Grammer, Henderson, Holdsworth, McKernan, Mack, Morton, Rankin, Strong, and Williams of Caldwell—14.

SICK—Messrs. Cowden and Mitchell—2.

So the resolution was rejected.

On motion of Mr. BONHAM, the Convention resolved itself into a Committee of the Whole, to consider amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. BONHAM reported that the Committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections, Qualifications of Voters, Officers, and others, but had come to no resolution thereon.

On motion of Mr. BONHAM, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the Chair.

On motion of Mr. WEATHERBY, the following resolutions, heretofore offered by Mr. Williams of Scotland, were ordered to be spread upon the journal:

*Be it resolved by the people of the State of Missouri, in Convention assembled :*

1. That it shall be the duty of each delegate elected to this Convention to lay out, frame, put together, build and make a Constitution that will harmonize, not with the views of a majority of the members of this Convention, nor with the views of a majority of the people of the State of Missouri; but it shall be his duty to make a Constitution that will harmonize in every particular with his own individual prejudices, so that when it is submitted for ratification or rejection, not to the people of the State, but to himself individually, it may be adopted without one dissenting voice. Adopted unanimously.

2. That if this Convention should have the audacity and effrontery to adopt, by a

majority of all the members elect, a Constitution other than the one mentioned in the first resolution, then it shall be duty of all the delegates who feel aggrieved in consequence thereof, to stump every county, township, school district, precinct, school-house, farm-house, meeting-house, log-house, saw mill, beer saloon, and beer garden in the State; so that when the people become fully aware that the Constitution does not harmonize with the individual prejudices of the delegate so aggrieved, they may reject it by an overwhelming majority; and that we pledge St. Louis to give a majority of five thousand against it.

3. That St. Louis is Missouri; that Turner Hall is the forum of America, the mouth-piece of this State, and celebrated for its great Barons, its Cromwellian style of doing business, its lager beer and big petitions.

4. That St. Louis is, and by right ought to be, a free and independent city, with full power to elect its own Governor and Legislature; and that all attempts to annex it to the State of Missouri, or to subject it to such laws as those to which other parts of the State are subjected, ought to be resisted with the whole power of the German empire.

5. That, in order that the orations delivered in this hall may be preserved in all their original purity, grace, and elegance, this Convention shall employ a special reporter, whose duty it shall be to write down all speeches, word for word, and letter for letter, just as they fall from the lips of the orators; with the accent, emphasis, articulation, pronunciation, gesture, and all the other variations, as near as may be, together with the direct bearing that they have upon the subject under discussion, in order that they may be deposited in the museum in this city, to be exhibited as *unnatural curiosities*; and that all money received for such exhibition shall be paid into the State treasury to defray the expenses of this Convention.

6. That there should be written over the door leading to little Library Hall, in large letters, the following words, to-wit: "All kinds of turning and twisting done here—gas for sale cheap, and blowing done to order."

7. That there are but three seats on the bench of the Supreme Court, and that there should be one more, to be filled by the great American Solon.

*And whereas*, certain lawyers, pettifoggers, and one-horse judges have been wrangling and contending in this Convention for nearly three months to create new positions, and vacating others to be filled by themselves individually, and have accomplished nothing but waste of time and public money; therefore be it

8. *Resolved*, That all lawyers, pettifoggers, judges and clerks of courts, and especially all aspirants to a judgeship, are respectfully

requested to ask for leave of absence for six months, or until the poor mudsills shall have extricated the business of this body from the inextricable confusion into which it has been brought through their agency.

9. That all "party breakers," "convention smashers," and "wheel blockers," who oft and again threaten to annihilate this "one-horse convention," though we admit that their minds are as profound and as philosophical as a Bacon, and their eloquence has all the strength of Demosthenes, and all the beauty of a Cicero, with wit superior to a Randolph, and sarcasm exceeding a Burgess, still they often remind us that some animals are distinguishable by their great length of ears, and, though clothed in the skins of lions, yet we can hardly be deceived by the furious braying of self-conceited asses.

10. That virtue and public morals are dead, and that the great Missouri State Convention killed them.

11. That this Convention was called together for that purpose only.

12. That it is the duty of this Convention to bury their remains, erect a monument to their memory, inscribe some touching and mournful epitaph thereon, and then adjourn, and sneak, in shame and silence, to our homes.

13. That, before doing this, however, and since we have slain virtue and killed public morals, and expressed a willingness to stab the Protestant Church under the fifth rib to conciliate the minority, we should now, as a further act of conciliation, declare that the ten commandments are a humbug; that there is no God but Bacchus, and that death is an eternal state of bacchanalian revelry. Then we shall have completed our labors, and can go home rejoicing.

On motion of Mr. BONHAM, the Convention resolved itself into a Committee of the Whole to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. WEATHERBY reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections and Qualification of Voters, Officers, and others, but had come to no resolution thereon.

Mr. WILLIAMS of Caldwell asked leave of absence for Mr. Holdsworth for five days, which was granted.

On motion of Mr. BARR, the Convention adjourned until 9 o'clock to-morrow morning.

## SIXTY-FOURTH DAY.

FRIDAY, MARCH 24th, 1865.

Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole to take under consideration amendments of the Constitution. After some time spent therein, the President resumed the chair, and Mr. GILBERT of Platte reported that the Committee of the Whole had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections and Qualifications of Voters, Officers, and others, but had come to no resolution thereon.

Mr. OWENS, Chairman of the Committee on Districting the State into Judicial Circuits, presented the following report, which was read the first and second time, and, on motion, ordered to be printed:

### AN ORDINANCE DEFINING THE NUMBER OF JUDICIAL CIRCUITS OF MISSOURI.

*Be it ordained by the People of the State of Missouri, in Convention assembled:*

The number of judicial circuits in the State is hereby reduced to sixteen, and shall be composed as follows, until otherwise provided:

SECTION 1. The First Judicial Circuit—the county of St. Louis.

SEC. 2. The Second Judicial Circuit—the counties of St. Charles, Lincoln, Warren, Montgomery, Callaway, and Audrain.

SEC. 3. The Third Judicial Circuit—the counties of Pike, Ralls, Monroe, Boone, Howard, and Randolph.

SEC. 4. The Fourth Judicial Circuit—the counties of Marion, Macon, Shelby, Knox, Lewis, Scotland, and Clark.

SEC. 5. The Fifth Judicial Circuit—the counties of Chariton, Linn, Sullivan, Putnam, Adair, Schuyler, Clinton, Caldwell, and Ray.

SEC. 6. The Sixth Judicial Circuit—the counties of Livingston, Grundy, Mercer, Harrison, Daviess, DeKalb, Gentry, Worth, and Carroll.

SEC. 7. The Seventh Judicial Circuit—the counties of Buchanan, Andrew, Nodaway, Holt, Atchison, Platte, and Clay.

SEC. 8. The Eighth Judicial Circuit--the counties of Cape Girardeau, Pemiscot, Dunklin, Mississippi, New Madrid, Scott, Perry, and Bollinger.

SEC. 9. The Ninth Judicial Circuit—the counties of Iron, Stoddard, Wayne, Madison, St. Francois, Butler, Reynolds, Carter, and Ripley.

SEC. 10. The Tenth Judicial Circuit—the counties of Phelps, Dent, Shannon, Texas, Oregon, Howell, Maries, and Crawford.

SEC. 11. The Eleventh Judicial Circuit—the counties of Laclede, Wright, Pulaski, Camden, Polk, Douglas, Dallas, and Hickory.

SEC. 12. The Twelfth Judicial Circuit—the counties of Greene, Webster, Stone, Christian, Taney, Barry, Ozark, and Dade.

SEC. 13. The Thirteenth Judicial Circuit—the counties of Vernon, Barton, Jasper, Newton, McDonald, St. Clair, Cedar, and Lawrence.

SEC. 14. The Fourteenth Judicial Circuit—the counties of Jackson, Lafayette, Johnson, Bates, Cass, Saline, Henry, and Pettis.

SEC. 15. The Fifteenth Judicial Circuit—the counties of Cooper, Moniteau, Morgan, Benton, Miller, Cole, and Osage.

SEC. 16. The Sixteenth Judicial Circuit—the counties of Gasconade, Franklin, Jefferson, Washington, and Ste. Genevieve.

SEC. 17. The several circuit judges in this State, immediately after the first day of May, in the year of our Lord one thousand eight hundred and sixty-five, shall fix the terms of the several circuit courts in their respective circuits, and cause public notice thereof to be given by the sheriffs of each county.

SEC. 18. This ordinance shall be in force from and after its adoption; but may be repealed, altered or amended, at any time, by the General Assembly.

On motion, the Convention adjourned until half-past 2 o'clock P. M.

### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. DRAKE offered the following resolution, and demanded the previous question theron, which was sustained by the Convention:

*Resolved*, That in Committee of the Whole no debate on the motion to rise and report shall be in order.

On this resolution Mr. DRAKE demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bouham, Budd, Bunce, Childress, Davis of Nodaway, Dodson, Drake, Evans, Fulkerson, Gamble, Gilbert of Lawrence, Hughes, Hunne, McKernan, McPherson, Mack, Morton, Newgent, Rankin, Smith of Mercer, Smith of

Worth, Sutton, Swearingen, Weatherby, and Williams of Scotland—26.

**NOES**—Messrs. Foster, Gilbert of Platte, Green, Rohrer, and Mr. President—5.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Holdsworth, Holland, Husmann, Leonard, Martin, Meyer, and Nixdorf—8.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Bush, Clover, D’Oench, Ellis, Esther, Filley, Fletcher, Folmsbee, Gilstrap, Grammer, Henderson, Holcomb, King, Linton, Owens, St. Gem, Strong, Switzler, Thilenius, and Williams of Caldwell—22.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

So the resolution was adopted.

On motion of Mr. DRAKE, the Convention resolved itself into a Committee of the Whole, to resume the consideration of amendments to the Constitution. After some time spent therein, the President resumed the chair, and Mr. MACK reported that the committee had, according to order, had under consideration amendments to the Constitution, and particularly the article on Elections, and Qualifications of Voters, Officers and others, and reported the same back to the Convention, with amendments thereto.

On motion of Mr. DRAKE, the Convention took up the article on Elections, and Qualifications of Voters, Officers and others, with the amendments, as reported back from the Committee of the Whole.

The following amendment to the first section, as reported back by the Committee of the Whole, was read:

Except as provided in section twentieth of this article.

Pending which, Mr. DRAKE offered the following amendment to the amendment, which was read and agreed to:

Amend the amendment by striking out the word “twenty,” and inserting before the word “section,” the words “the twentieth.”

On motion, the amendment, as amended, was agreed to.

The following amendment, as reported back by the Committee of the Whole, was disagreed to:

Amend section third, line fourth, by inserting after the word “or,” where it first occurs therein, the words “after the thirty-first day of July, one thousand eight hundred and sixty-one.”

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section third, ninth line, by striking out the word “open,” and by striking out of the same line the word “declared,” and inserting in lieu thereof the word “manifested;” and by adding, after the word “States,” the words “or his sympathy with those engaged in exciting or carrying on rebellion against the United States.”

Mr. NEWGENT offered the following affidavits, relative to, and sustaining, his past loyalty:

**STATE OF KANSAS,** } ss.  
*County of Miami.* } ss.

John Moudy, on oath, says that he is a resident of Paola, Miami county, Kansas; that in the spring of A. D. 1861, he lived in Bates county, Missouri, and was well acquainted with Andrew G. Newgent of Cass county, and know that he was reputed from the first as a Union man; that he made Union speeches in the counties of Cass and Bates; and that, on or about the first day of May, A. D. 1861, he and I came to Kansas together, after night, to make arrangements with the loyal people of Kansas for protection. I further say that I was intimately acquainted with said Newgent from the fall of A. D. 1856, until he entered the Union army, and never knew him otherwise than as an unwavering Union man, and cheerfully indorse him as such. JOHN MOUDY.

Sworn to and subscribed before me, this fourteenth day of March, A. D. 1865.

R. W. MASSEY, N. P.

—  
**PAOLA, KANSAS, March 14, 1865.**

I willingly state that on the last of May, 1861, I returned to Cass county, Missouri, from Kentucky. I found A. G. Newgent making speeches for the Union cause. The first of June, I was mustered major of a battalion of Federal soldiers; A. G. Newgent was mustered quartermaster, and served as such until the battalion was raised to a regiment, when he was appointed colonel. He (A. G. Newgent) has been, ever since May 20th, 1861, unwaveringly (to my knowledge) a Union—yes, a radical—man, notwithstanding the *Republican* states to the contrary. A. H. DEANE.

Sworn to and subscribed before me, this fourteenth day of March, A. D. 1865.

R. W. MASSEY, N. P.

—  
**STATE OF MISSOURI,** }  
*Jackson County.* }

Before the undersigned personally appeared Elihu F. Rogers, who, being by me first duly sworn, doth depose and say that he is, and was at the outbreak of the rebellion, well acquainted with Andrew G. Newgent; that then, as now, he (Newgent) was an unconditional Union man; that he made speeches for the Union, which were considered by secessionists, at that time, of the rankest kind, and for which he was branded

by them as an abolitionist; that, to the certain knowledge of this deponent, he (Newgent) spent both time and money for the maintenance of the Federal Union, by making Union speeches in various parts of the country, wherever he had friends sufficient to protect him against secession mobs, and in purchasing clothing for soldiers; and that, after giving aid to recruiting for the Cass county regiment, home guards, was mustered into the service of the United States, June 27, 1861.

E. F. ROGERS.

Subscribed and sworn to before me, this 10th day of March, A. D. 1865, at Kansas City, Missouri.

J. H. SMITH,  
First Lieut, and Ass't Pro. Mar.  
Fourth Sub-Dist., Central Missouri.

STATE OF MISSOURI, }  
Jackson County. }

Before the undersigned personally appeared Lewis B. Huff, Ashbel Smith and William P. Deton, and all of Jackson county, Mo., who being duly sworn depose and say: That on the 26th of April, 1861, they were severally residents of Cass county; that they were at that time well acquainted with Andrew G. Newgent, and know that he was at that time a strong Union man, opposed to secession, and accused and persecuted on account thereof; that they well remember the passage of the resolutions published in the St. Louis *Republican* of March 6th, 1865; and also that the same has of late been brought forward by others with the intent to prejudice him; that Andrew G. Newgent never joined in said meeting, or sat upon said committee as a sympathizer or advocate of secession; that said resolutions were prepared by R. O. Boggess, previous to said meeting, and contained in addition a resolution recommending the hanging of Union men who should refuse to leave upon notice, which, through the opposition of A. G. Newgent in committee, was stricken out. The affiant, William P. Deton for himself deposes: That he was present when said resolutions came before the meeting, and then and there listened to the first and only man whom he remembers to have had courage enough, at that time, to speak for the Union, and that man was A. G. Newgent; that he then, speaking upon those resolutions, denounced secession and rebellion; that this affiant remembers distinctly the following sentiment then uttered, to-wit: "That if this State seceded our homes will become stables for cavalry," etc.; drawing a picture of the middle States in such an event; that a few days after Col. A. G. Newgent, by reason of his Unionism, was forced to flee from Harrisonville for his life, and that after he had gone affiant saw two armed rebels, who asked him if he had heard what Colonel Newgent had said at the Convention, in favor of the Union, and that they were in search of him to give him his quietus. Affiant Lewis B. Huff says he met Colonel Newgent when he was fleeing from

Harrisonville, and said to him: "Newgent, what hand have you had in this meeting in town?" (*i. e.* Harrisonville.) He answered affiant as follows (this was two or three days after the meeting): "I have done that which has saved you and me, and the rest of the Union men of Harrisonville."

All of these deponents say that they were afterward engaged in removing Colonel Newgent's family from Harrisonville, where he dare not go; that he fled to Austin, and thence to Crescent Hill, and that up to June 27 he spent his time making Union speeches and raising the Cass county regiment of Missouri home guards, in which he was First Lieutenant and Quartermaster from the 27th of June to the 1st of August, when he received his commission as colonel, from General Fremont.

LEWIS B. HUFF,  
ASHBEL SMITH,  
WM. P. DETON.

Sworn to and subscribed before me this 10th day of March, A. D. 1865.

J. H. SMITH,  
First Lieut, and Ass't Pro. Mar.  
4th Sub-Dist., Central Mo., Kansas City, Mo.

STATE OF MISSOURI, }  
County of St. Louis. } ss.

Be it remembered, that on this 8th day of March, 1865, before the undersigned, Judge of the Ninth circuit of Missouri, personally came William A. Jack and Elias P. West, who, being by me duly sworn, upon their oaths state: That at a meeting held at the city of Harrisonville, in Cass county, on the 26th day of April, 1861, the proceedings of which were republished in the *Missouri Republican*, of the 5th of March, 1865. Andrew G. Newgent and these affiants were appointed, with others, a committee to draft resolutions; that the resolutions recommended by said committee, and adopted by the meeting, were opposed in committee by the said Newgent and these affiants, and were not supported in the meeting by affiants, nor, as they believe, by said Newgent; that said West, being named chairman of the committee, called another to the chair, and came down and offered resolutions different from those adopted, the effect of which was to invite back and extend protection to Lincoln men who had left the county on account of the excitement of the day, which latter resolutions were supported by said Newgent and these affiants in the committee, but were voted down and others adopted, against the consent of said Newgent and these affiants; that the public call for said meeting invited persons of all political parties to participate in the same, and its object, as affiants, and as they believe, said Newgent understood, was to invite back and extend protection to citizens who had left that county on account of their political opinions; that, in a few days after said meeting, said Newgent went to work energetically, raising troops for the United States service, in what was called the home guards; and that affiants have not now,

nor have they ever had, any doubt of the unconditional loyalty of said Newgent, and that he was and is generally so reputed in his county and where known. We have known Colonel Newgent for ten or fifteen years; Colonel Newgent was recognized by both loyal and disloyal men as an unconditional Union man in the spring of 1861.

WILLIAM A. JACK,  
ELIAS P. WEST.

Sworn to and subscribed before me, this 8th day of March, 1865.

JAMES W. OWENS,  
*Judge of the Ninth Circuit of Missouri.*

The following amendment, reported back by the Committee of the Whole, was read:

Amend section third, in lines fourteen, fifteen, sixteen and seventeen by striking out the words "having for its object to aid or encourage rebellion against the United States, or to promote the dissolution of the union thereof; or to oppose, by any unlawful means, the laws or authority thereof, or the laws, ordinances, or authority of this State," and inserting in lieu thereof the words "inimical to the Government of the United States, or to the Government of this State, existing after the 31st day of July, one thousand eight hundred and sixty-one."

Pending which, Mr. DRAKE offered the following amendment to the amendment, which was adopted:

Amend the amendment by striking out the words "existing after the thirty-first day of July, one thousand eight hundred and sixty-one."

On motion, the amendment, as amended, was agreed to.

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section third, by inserting after the word "knowingly," in the nineteenth line, the words "and willingly."

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend the nineteenth line by inserting, after the word "ever," the words "come into or," so that the clause may read: "or has ever come into or left this State, for the purpose of avoiding."

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section third, by striking out, in lines twenty-one and twenty-two, the words "in order to escape the performance of duty in the militia of this State, enrolled himself, or caused himself to be enrolled, as a disloyal Southern sympathizer," and inserting in lieu thereof the following: "with

a view to avoid enrollment in the militia of this State, or to escape the performance of duty therein, or for any other purpose, enrolled himself, or authorized himself to be enrolled, by or before any officer, as disloyal, or as a Southern sympathizer, or in any other terms indicating his disaffection to the Government of the United States, in its contest with rebellion, or his sympathy with those engaged in such rebellion."

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section third, twenty-third line, by inserting, after the word "States," "or in any of their territories."

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section third, by inserting after the word "States," in the twenty-fourth line, the words "or under the United States."

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section third, twenty-fourth line, by inserting, after the words "United States," "or in any of their territories."

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section third, thirtieth line, by striking out the words "incorporated by or under any law of this State."

The following amendment, reported back by the Committee of the Whole, was read:

Amend section third, thirty-first line, by striking out all after the word "school."

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section third, thirtieth line, by striking out the words "of teaching."

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section third, thirty-first line, by inserting, after the word "school," the words "or of holding any real estate, or other property, in trust, for the use of any church, religious society, or congregation."

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section fifth by adding thereto the following: The registering officer, or officers, shall keep a register of the names of persons

registered as voters, and the same shall be certified to the judges of elections; and they shall receive the ballot of any such rejected voter, offering to vote, marking the same, and certifying the vote thereby given as rejected; but no such vote shall be received unless the party offering it take, at the time, the oath of loyalty hereinafter prescribed.

The following amendment, reported back by the Committee of the Whole, was read:

Amend section sixth, in tenth, eleventh and twelfth lines, by striking out the words "that I will always disown and oppose all combinations, plans, and efforts, having for their object the dissolution of said Union or the overthrow of said Government; that I will always, in word and deed, demean myself as a loyal and faithful citizen of the United States."

Which was disagreed to.

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section sixth, by striking out the word "always," in the sixth and eighth lines.

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section seven, by striking out, in line one, the word "fifteen," and insert "sixteen" in lieu thereof; and strike out, in same line one, all after the word "Constitution," up to the words "every person," in line fourth; also, the word "other," in line fifth; also, the word "likewise," in line seventh; and in lieu of the word "same," in said line seventh, place the words "said oath,"

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section ninth, by striking out of the third line the words "two months," and inserting in lieu thereof the words "sixty days."

The following amendment, reported back by the Committee of the Whole, was agreed to:

Amend section twentieth, by striking out the words "the General Assembly shall provide, by law, for the taking of the votes of all such persons, wherever they may be, on the day fixed for such election, or at any time within twenty days next prior thereto, and for the due return and counting of such votes," and insert in lieu thereof the words: "The votes of all such persons, wherever they may be taken, on the day fixed by law for such election, or on any day or days within twenty days next prior thereto; and the General Assembly shall provide by law for the taking, return and counting of such votes."

Mr. OWENS offered the following amendment:

Strike out all after the word "votes," in the seventh line, section twentieth.

Mr. BARR offered the following as a substitute for the amendment of Mr. Owens:

Add to section twentieth, "except those who have served two years in the regular volunteer service of the United States army, and those who have been honorably discharged after such term of service."

On motion of Mr. HOLCOMB, leave of absence was extended to Mr. Meyer until Tuesday next.

On motion of Mr. DAVIS of Nodaway, the Convention adjourned until 9 o'clock tomorrow morning.

## SIXTY-FIFTH DAY.

SATURDAY, MARCH 25th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Mr. GREEN offered the following ordinance, which was read the first time:

**AN ORDINANCE SUPPLEMENTARY TO AN ORDINANCE VACATING CERTAIN CIVIL OFFICES, ETC., IN THE STATE OF MISSOURI.**

*Be it ordained, by the people of the State of Missouri, in Convention assembled, as follows:*

SECTION 1. The Governor of the State is hereby empowered to remove from office, as

he may deem the welfare of the State to require it, any officer, or manager (by whatsoever name designated) of any public institution under the exclusive control of the State, who shall have been appointed during the preceding administration, and whose term of office does not expire before the first day of May, 1865.

SEC. 2. The Governor of the State is also empowered to immediately refill any vacancies he may create under the provisions of this ordinance, by suitable appointments, which shall be subject to confirmation or

rejection by the State Senate, on the next assembling of the State Legislature.

SEC. 3. All reappointed officers and managers shall, previous to entering upon the duties of office, take the oath prescribed in section two of the ordinance defining the qualifications of voters and civil officers in the State of Missouri, adopted June 10, 1862, and required in the ordinance vacating certain civil offices, etc., in the State of Missouri, adopted March —, 1865.

Mr. BONHAM demanded the previous question; which was sustained by the Convention.

The question then being on the rejection of the ordinance offered by Mr. Green, Mr. OWENS demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Adams, Barr, Bedford, Bouham, Budd, Bunce, Childress, Davis of Nodaway, Dodson, Drake, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Henderson, Hume, King, McKernan, McPherson, Mack, Morton, Newgent, Owens, Rankin, Smith of Mercer, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—29.

NOES—Messrs. Bush, Ellis, Evans, Filley, Fletcher, Folmsbee, Foster, Green, Holcomb, Hughes, Linton, St. Gem, Smith of Worth, Thilenius, Weatherby, and Mr. President —16.

ABSENT WITH LEAVE—Messrs. Davis of New Madrid, Holdsworth, Holland, Husmann, Leonard, Martin, Meyer, and Nixdorf—8.

ABSENT WITHOUT LEAVE—Messrs. Clover, D'Oench, Esther, Gilstrap, Grammer, Rohrer, Strong, and Switzler—8.

SICK—Messrs. Cowden, Mitchell, and Peck—3.

So the ordinance was rejected.

Mr. DRAKE offered the following new proposition as a Declaration of Rights, which was read the first time:

#### ARTICLE —.

##### *Declaration of Rights.*

That the general, great and essential principles of liberty and free government may be recognized and established, and that the relation of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare—

1. That we hold it to be self-evident that all men are endowed by their Creator with certain inalienable rights, among which are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness;

2. That there can not be, in this State, either slavery or involuntary servitude, ex-

cept in punishment of crime, whereof the party shall have been duly convicted;

3. That no person can, on account of color, be disqualified as a witness; or be disabled to contract, otherwise than as others are disabled; or be prevented from acquiring, holding, and transmitting property; or be liable to any other punishment, for any offense, than that imposed upon others for a like offense; or be restricted in the exercise of religious worship; or be hindered in acquiring education; or be subjected, in law, to any other restraints and disqualifications, in regard to any personal rights, than such as are laid upon others under like circumstances;

4. That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole;

5. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States;

6. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American nation; and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said nation, ought to be resisted with the whole power of the State;

7. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of this State, in contravention or subversion thereof, can have any binding force;

8. That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance; and that their right to bear arms in defense of themselves, and of the lawful authority of the State, can not be questioned;

9. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying, or from serving as a juror; that no human authority can control or interfere with the rights of conscience; and that no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the good order, peace, or safety of the State, or with the rights of others:

10. That no person can be compelled to erect, support, or attend any place of worship, or to maintain any minister of the gospel or teacher of religion; but whatever contracts any person may enter into for any such object ought, in law, to be binding and capable of enforcement, as other contracts:
11. That no preference can ever be given, by law, to any church, sect, or mode of worship:
12. That no religious corporation can be established in this State, except that, by a general law, uniform throughout the State, any church, or religious society or congregation, may become a body corporate, for the sole purpose of acquiring, holding, using, and disposing of so much land as may be required for a house of public worship, a chapel, a parsonage, and a burial ground, and managing the same, and contracting in relation to such land, and the buildings thereon, through a board of trustees selected by themselves; but the quantity of land to be held by any such body corporate, in connection with a house of worship or a parsonage, shall not exceed five acres in the country, or one acre in a town or city:
13. That every gift, sale, or devise of land to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to or for the support, use, or benefit of, or in trust for, any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination; and every gift or sale of goods or chattels to go in succession, or to take place after the death of the seller or donor, to or for such support, use, or benefit; and also, every devise of goods or chattels, to or for the support, use, or benefit of any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination, shall be void, except, always, any gift, sale, or devise of land to a church, religious society, or congregation, or to any person or persons in trust for the use of a church, religious society, or congregation, whether incorporated or not, for the uses and purposes, and within the limitations of the next preceding clause of this article:
14. That all elections ought to be free and open:
15. That courts of justice ought to be open to every person, and certain remedy afforded for every injury to person, property, or character; and that right and justice ought to be administered without sale, denial, or delay:
16. That no private property ought to be taken or applied to public use, without just compensation:
17. That the right of trial by jury shall remain inviolate:
18. That in all criminal prosecutions the accused has the right to be heard by himself and his counsel; to demand the nature and cause of accusation; to have compulsory process for witnesses in his favor; to meet the witnesses against him face to face; and, in prosecutions on presentment or indictment, to a speedy trial by an impartial jury of the vicinage; that the accused can not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, but by the judgment of his peers or the law of the land:
19. That no person, after having been once acquitted by a jury, can, for the same offense, be again put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had may, in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of said court:
20. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great:
21. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted:
22. That the privilege of the writ of *habeas corpus* can not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it:
23. That the people ought to be secure in their persons, papers, houses, and effects from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, can be issued, without describing the place to be searched, or the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation:
24. That no person can, for an indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in the time of war or public danger, or, by leave of court, for oppression or misdemeanor in office:
25. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort:
26. That no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood; that there can be no forfeiture of estate for any crime, except treason, and that the estates of such persons as may destroy their own lives shall descend or vest, as in cases of natural death:
27. That the free communication of thoughts and opinions is one of the most invaluable rights of man, and that every person may freely speak, write, and print on any subject, being responsible for the abuse of that liberty; that in all prosecutions for libel, the truth thereof may be given in evidence, and the jury may determine the law and facts, under the direction of the court:
28. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, can be passed:
29. That imprisonment for debt can not exist in this State, except for fines or penalties imposed for violation of law:

30. That all property subject to taxation ought to be taxed in proportion to its value:

31. That no title of nobility, or hereditary emolument, privilege, or distinction, can be granted;

32. That the military is, and in all cases and at all times ought to be, in strict subordination to the civil power; that no soldier can, in time of peace, be quartered in any house without the consent of the owner; nor, in time of war, but in such manner as may be prescribed by law; nor can any appropriation for the support of an army be made for a longer period than two years.

Mr. OWENS moved to reject the new proposition offered by Mr. Drake; on which

Mr. BONHAM demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Bedford, Bush, Dodson, Fletcher, Gamble, Gilbert of Platte, Green, Linton, Morton, Owens, St. Gem, Smith of Worth, Switzler, and Mr. President—15.

**NOES**—Messrs. Barr, Bonham, Childress, Davis of Nodaway, Drake, Ellis, Evans, Filley, Folmsbee, Foster, Fulkerson, Gilbert of Lawrence, Henderson, Holcomb, Hughes, Hume, King, McKernan, McPherson, Mack, Newgent, Rankin, Smith of Mercer, Sutton, Swearingen, Thilenius, Weatherby, Williams of Caldwell, and Williams of Scotland—29.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Holdsworth, Holland, Husmann, Leonard, Martin, Meyer, and Nixdorf—8.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Bunce, Clover, Esther, Gilstrap, Grammer, Rohrer, and Strong—8.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

**EXCUSED**—Mr. D'Oench—1.

So the proposition was not rejected.

The proposition, as offered by Mr. Drake, was laid over, under the rule, for its second reading.

On motion of Mr. DRAKE, the pending amendment, offered by Mr. Owens, and substitute therefor, to section twenty of the article on Elections and Qualifications of Voters, Officers and others, was taken up, viz:

Strike out all after the word “vote,” in the seventh line, twentieth section.

For which the following substitute had been offered by Mr. Barr:

Add to section twenty, “except those who have served two years in the regular volunteer service of the United States army, and those who have been honorably discharged after such term of service.”

Mr. BARR temporarily withdrew his substitute.

The question then being on the amendment offered by Mr. Owens, Mr. OWENS

demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Bush, Clover, Fletcher, Gilbert of Platte, Green, Linton, Morton, Owens, Rohrer, St. Gem, and Switzler—12.

**NOES**—Messrs. Adams, Barr, Bonham, Bunce, Childress, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holcomb, Hughes, Hume, McKernan, McPherson, Mack, Newgent, Rankin, Smith of Mercer, Smith of Worth, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—32.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Holdsworth, Holland, Husmann, Leonard, Martin, Meyer, and Nixdorf—8.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, D'Oench, Esther, Filley, Gilstrap, Grammer, King, Strong, and Sutton—9.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

So the amendment was rejected.

Mr. FLETCHER offered the following resolution:

*Resolved*, That at 5 o'clock p. m., on Friday, the 31st of March, 1865, this Convention will adjourn *sine die*.

Mr. DRAKE moved to lay the resolution on the table, and demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Barr, Bonham, Bunce, Childress, Clover, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holcomb, Hume, McKernan, McPherson, Mack, Newgent, Rankin, Smith of Mercer, Swearingen, Williams of Caldwell, Williams of Scotland, and Mr. President—28.

**NOES**—Messrs. Bedford, Bush, Fletcher, Foster, Gilbert of Platte, Green, Hughes, Linton, Morton, Owens, Rohrer, St. Gem, Smith of Worth, and Thilenius—14.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Holdsworth, Holland, Husmann, Leonard, Martin, Meyer, and Nixdorf—8.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, D'Oench, Esther, Filley, Gilstrap, Grammer, King, Strong, Sutton, Switzler, and Weatherby—11.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

So the amendment was laid on the table.

Mr. ROHRER moved to adjourn until Monday morning next at 9 o'clock.

On this motion Mr. DRAKE demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Bedford, Bush, Fletcher, Gilbert of Platte, Rohrer, and St. Gem—7.

**NOES**—Messrs. Barr, Bonham, Bunce, Childress, Clover, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Foster, Fulker-  
son, Gamble, Gilbert of Lawrence, Green, Henderson, Holcomb, Hughes, Hume, Linton, McKernan, McPherson, Mack, Morton, Newgent, Rankin, Smith of Mercer, Smith of Worth, Swearingen, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—33.

**ABSENT WITH LEAVE**—Messrs. Davis of New Madrid, Holdsworth, Holland, Husmann, Leonard, Martin, Meyer, and Nix-  
dorf—8.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, D'Oench, Esther, Filley, Folmsbee, Gil-  
strap, Grammer, King, Owens, Strong, Sutton, Switzer, and Weatherby—13.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

So the Convention refused to adjourn until Monday.

On motion of Mr. FOSTER, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. DRAKE introduced the following article:

##### ARTICLE —.

###### *Distribution of Powers.*

The power of government shall be divided into three distinct departments, each of which shall be confided to a separate magistracy; and no person charged with the exercise of powers properly belonging to one of those departments shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

Which was read a first and second time.

On motion of Mr. DRAKE, the rules were suspended, the article was considered as engrossed, read the third time, and put upon its final passage, and was adopted and referred to the Revising Committee.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved.* That the articles of the Constitution framed by this body, and named in this resolution, shall, in the enrolled Constitution, be arranged in the following order, and be numbered accordingly: 1. Declaration of Rights. 2. Right of Suffrage. 3. Distribution of Powers. 4. Legislative Department. 5. Executive Department. 6. Judicial Department. 7. Impeachments. 8. Banks and Corporations.

On motion of Mr. DRAKE, the article on Elections, and Qualifications of Voters, Officers, and others, was taken up.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section twenty-fourth, line eleventh, by striking out the word “thereof,” where it first occurs therein, and inserting in lieu thereof the word “domestic.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend section sixth, line sixth, by striking out the word “unqualified.”

Mr. DRAKE offered the following amendment, which was adopted:

Fill the first blank in section twenty-four with the word “first;” the second blank with the word “January;” the third blank with the words “seventy-one;” the fourth blank with the word “first;” the fifth blank with the word “January,” and the sixth blank with the words “seventy-five.”

Mr. DRAKE offered the following amendment, which was adopted:

Fill the blank in section sixth with the word “second.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend the title by striking out the same, and insert in lieu thereof the words “right of suffrage.”

Mr. KREKEL moved to strike out section eighteen, and insert in lieu thereof the following:

Every male citizen of the United States, and every person who may have declared his intention to become a citizen of the United States, according to law, at least six months before he offers to vote, who is over the age of twenty-one years, and who shall have complied with the provisions of this article, and is not disqualified by or under any provision of this Constitution, and who shall have resided in this State one year next preceding any election, and during the last sixty days of that period, in the election district where he seeks registration, shall be entitled to vote at such elections for all offices, State, county, or municipal, made elective by the people; but he shall not vote elsewhere than where he is registered, except as provided in the twentieth section of this article: *Provided, however,* That no person of color shall be entitled to become a voter under the foregoing provisions, unless he was a resident of this State on the 11th day of January, 1865, or may thereafter be born in the same, nor unless such person of color shall, at the time of registration, or his offering to vote, be able to read and write, and be of good moral character; which facts

must be established before a court of this State, having a seal; which court, on being satisfied that the applicant possesses the qualifications aforesaid, shall grant him a certificate thereof, from which several qualifications, except that of good moral character; soldiers who shall have served, or may now be serving, or who may hereafter enlist in the armies or navies of the United States, and have been honorably discharged therefrom, shall be exempt; *And provided further*, That no person of color shall vote prior to the 11th day of January, 1872. And for the purpose of ascertaining the sense of the people in regard to the admission of persons of color to the right of suffrage, under the restrictions, limitations, and qualifications aforesaid, the Legislature shall, by law, provide for a submission thereof to the people, at the general election to be held in 1870; and if a majority shall vote for such colored suffrage, persons of color shall,

thereafter, be entitled to vote under the restrictions, limitations, and qualifications contained in this section.

Mr. OWENS moved to amend the amendment, by striking out all after the figures "1872," in the twenty-second line.

Pending which, Mr. CLOVER offered the following amendment:

Strike out "1872," in the twenty-second line.

Which was read and declared out of order.

On motion of Mr. DRAKE, Mr. Strong was excused from further duty on the Committee on Militia, and Mr. ELLIS was appointed in his stead.

On motion of Mr. DRAKE, the Convention adjourned until Monday next at 9 o'clock A. M.

## SIXTY-SIXTH DAY.

MONDAY, MARCH 27th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed by the President, whose duty it shall be to see that the Constitution be duly and correctly enrolled.

On request of Mr. FOSTER, leave of absence was granted him for eight days from tomorrow.

Mr. DRAKE, Chairman of the Committee on Revision, presented the following report:

MR. PRESIDENT: The Revising Committee, to whom was referred the article entitled Distribution of Powers, beg leave to report the same back, without amendment.

C. D. DRAKE, *Chairman.*

On motion of Mr. DRAKE, the article on Distribution of Powers was read the last time, and ordered to be enrolled as a part of the Constitution.

A call of the house was ordered, and the following members answered to their names:

Messrs. Barr, Bonham, Bunce, Bush, Childress, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Filley, Folsom, Foster, Fulker, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Green, Henderson, Holcomb, Holland, Hughes, Hume, Husmann, King, Linton, McKernan, McPherson, Mor-

ton, Newgent, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Sutton, Swearingen, Switzler, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—41.

ABSENT WITH LEAVE—Messrs. Cowden, Holdsworth, Leonard, Meyer, Nixdorf, and Weatherby—6.

ABSENT WITHOUT LEAVE—Messrs. Adams, Bedford, Budd, Clover, Davis of New Madrid, D'Oench, Esther, Fletcher, Gamble, Grammer, Martin, Owens, Rankin, and Strong—14.

SICK—Messrs. Mack, Mitchell, and Peek—3.

The Sergeant-at-arms reported Mr. Strong outside the bar, under arrest. Mr. STRONG stated his excuse to be that he had been engaged in writing out the report of the Committee on Education. On motion of Mr. DRAKE, he was excused.

The Sergeant-at-arms reported Mr. D'OENCH outside the bar, under arrest. Mr. D'OENCH stated that the cause of his absence was sickness. On motion of Mr. BUSH, he was excused.

Mr. WILLIAMS of Caldwell moved that further proceedings under the call be dispensed with, which motion was disagreed to.

Mr. CLOVER presented himself, under arrest, and stated that he had been detained by trying a case in court. On motion, Mr. Clover was excused.

MR. RANKIN presented himself, under arrest, and stated that he had been engaged in writing. On motion, he was excused.

MR. FLETCHER presented himself, under arrest, and stated that he had just arrived on the cars. On motion, he was excused.

On motion of MR. FOSTER, further proceedings under the call were dispensed with.

On motion of MR. FOSTER, leave of absence was granted to MR. CLOVER for this day.

On motion of MR. SR. GEM, leave of absence was granted to MR. Fletcher for four days.

On request of MR. THILENIUS, leave of absence was granted him for this week.

On motion of MR. DRAKE, the article on Right of Suffrage was taken up, and the question then being on the amendment offered by MR. OWENS to the amendment offered by MR. KREKEL, MR. OWENS demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Holcomb and Switzler—2.

NOES—Messrs. Barr, Bonham, Bunce, Bush, Childress, Clover, Davis of Nodaway, Dodson, D’Oench, Drake, Ellis, Evans, Filley, Fletcher, Folmsbee, Foster, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Green, Henderson, Holland, Hughes, Hume, Husmann, King, Linton, McKernan, McPherson, Morton, Newgent, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Thilenius, Williams of Caldwell, Williams of Scotland, and Mr. President—44.

ABSENT WITH LEAVE—Messrs. Holdsworth, Leonard, Martin, Meyer, Nixdorf, and Weatherby—6.

ABSENT WITHOUT LEAVE—Messrs. Adams, Bedford, Budd, Davis of New Madrid, Esther, Gamble, Grammer, and Owens—8.

SICK—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the amendment was disagreed to.

The question then being on the amendment offered by MR. KREKEL to the eighteenth section of the article on the Right of Suffrage, MR. GILSTRAP offered the following amendment to MR. KREKEL’s amendment, to-wit:

Amend by striking out, in the seventeenth line, all after the word “thereof,” down to the word “and,” in the twenty-first line.

The question then being on the amendment to the amendment offered by MR. GILSTRAP, and on which he demanded the ayes and noes, the vote being taken, stood as follows:

AYES—Messrs. Bedford, Bush, Dodson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Green, Hughes, Newgent, Switzler, and Mr. President—12.

NOES—Messrs. Barr, Bonham, Budd, Bunce, Childress, Davis of Nodaway, D’Oench, Drake, Ellis, Evans, Folmsbee, Foster, Fulkerson, Henderson, Holland, Hume, Husmann, King, Linton, McKernan, McPherson, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Thilenius, Williams of Caldwell, and Williams of Scotland—32.

ABSENT WITH LEAVE—Messrs. Clover, Fletcher, Holdsworth, Leonard, Martin, Meyer, Nixdorf, and Weatherby—8.

ABSENT WITHOUT LEAVE—Messrs. Adams, Davis of New Madrid, Esther, Filley, Grammer, Holcomb, Morton, and Owens—8.

SICK—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the amendment to the amendment was disagreed to.

The following amendment to the amendment offered by MR. GILSTRAP was read and disagreed to:

Amend the amendment by inserting the word “male” before the word “person,” in the first line.

MR. DRAKE offered the following amendment to the amendment:

Amend the amendment by striking out of lines one, two and three, the following words: “and every person who may have declared his intention to become a citizen of the United States, according to law, at least six months before he offers to vote.”

At the request of MR. BUSH, leave of absence was granted him for this afternoon.

On motion of MR. FOLMSBEE, the Convention adjourned until half-past 2 o’clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the Vice President in the chair.

The question being on MR. Drake’s amendment to the amendment of MR. KREKEL, MR. DRAKE demanded the ayes and noes thereon; and the vote being taken, stood as follows:

AYES—Messrs. Budd, Bunce, Childress, Davis of Nodaway, Drake, Evans, Folmsbee, Fulkerson, Gamble, Henderson, Holland, Hume, McPherson, Morton, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Switzler, and Williams of Scotland—21.

NOES—Messrs. Barr, Bedford, Bonham, Bush, Dodson, D’Oench, Ellis, Filley, Foster, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Green, Holcomb, Hughes, Hus-

mann, King, Linton, Newgent, Rohrer, Swearingen, Thilenius, and Mr. President—23.

**ABSENT WITH LEAVE**—Messrs. Clover, Fletcher, Holdsworth, Leonard, Martin, Meyer, Nixdorf, and Weatherby—8.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Davis of New Madrid, Esther, Grammer, McKernan, Owens, St. Gem, and Williams of Caldwell—8.

**SICK**—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the amendment to the amendment was disagreed to.

Mr. HUSMANN moved a call of the house, which was not sustained.

Mr. BUDD offered the following amendment to the amendment of Mr. Krekel:

Strike out the word “citizen,” in the first line, and insert “person;” strike out all after the word “article,” in the tenth line.

Mr. BUDD withdrew the first part of his amendment, to-wit:

Strike out the word “citizen,” in the first line, and insert “person.”

After debate, Mr. BUDD withdrew his entire amendment.

The question then being on the amendment of Mr. Krekel, the ayes and noes were demanded; and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Bush, Dodson, D’Oench, Ellis, Evans, Foster, Gilbert of Lawrence, Gilstrap, Green, Holcomb, Hughes, Husmann, King, Linton, Newgent, Rohrer, St. Gem, Thilenius, and Mr. President—20.

**NOES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Davis of Nodaway, Drake, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Platte, Henderson, Holland, Hume, McKernan, McPherson, Morton, Rankin, Smith of Mereer, Smith of Worth, Strong, Sutton, Swearingen, Switzler, Williams of Caldwell, and Williams of Scotland—27.

**ABSENT WITH LEAVE**—Messrs. Clover, Holdsworth, Leonard, Martin, Meyer, Nixdorf, and Weatherby—7.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Davis of New Madrid, Esther, Fletcher, Grammer, and Owens—6.

**SICK**—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the amendment was disagreed to.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section seventh, line first, by striking out the words “the adoption of,” and inserting, after the word “Constitution,” the words “takes effect.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend section ninth, line third, by striking out the words “the adoption of,” and inserting, after the word “Constitution,” the words “takes effect.”

Mr. HOLCOMB offered the following amendment:

Amend by striking out section twenty-six.

Mr. FOSTER moved the previous question, which was sustained.

The question then being on the adoption of Mr. Holeomb’s amendment, Mr. DRAKE demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bush, Dodson, D’Oench, Ellis, Folmsbee, Foster, Gamble, Gilbert of Platte, Green, Holcomb, Hughes, Husmann, King, Meyer, Morton, Newgent, Rohrer, Smith of Mereer, Sutton, Swearingen, Switzler, and Mr. President—23.

**NOES**—Messrs. Bonham, Budd, Childress, Davis of Nodaway, Drake, Evans, Filley, Fulkerson, Gilbert of Lawrence, Henderson, Holland, Hume, Linton, McPherson, Rankin, Smith of Worth, Strong, Williams of Caldwell, and Williams of Scotland—49.

**ABSENT WITH LEAVE**—Messrs. Clover, Fletcher, Holdsworth, Leonard, Martin, Nixdorf, Thilenius, and Weatherby—8.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Bunce, Davis of New Madrid, Esther, Gilstrap, Grammer, McKernan, Owens, and St. Gem—10.

**SICK**—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the section was stricken out.

Mr. STRONG offered the following, to take the place of section twenty-six, reported by the committee:

For the purpose of ascertaining the sense of the people in regard to the admission of persons of color to the right of suffrage, the General Assembly may provide, by law, for submitting the question to the qualified voters at any general election to be held after the eleventh day of January, eighteen hundred and seventy-five; and if a majority of the votes given at any such election shall be in favor of colored suffrage, the persons of color being otherwise qualified as voters, shall be entitled to vote at all elections by the people.

Mr. FOLMSBEE offered the following amendment to the proposition of Mr. Strong:

Amend by inserting in the tenth line, after the words “seventy-five,” these words, “but at no earlier date.”

On motion of Mr. FOSTER, the Convention adjourned until 9 o’clock to-morrow morning.

## SIXTY-SEVENTH DAY.

TUESDAY, MARCH 28th, 1865.

Convention met pursuant to adjournment, the President in the chair.

On request of Mr. HUGHES, leave of absence was granted him for five days.

On request of Mr. NEWGENT, leave of absence was granted him for eleven days.

The article on the Declaration of Rights, offered by Mr. Drake, was read a second time.

The proposition of Mr. Strong, offered yesterday, with the amendment thereto offered by Mr. Folmsbee, was taken up.

Mr. HUGHES moved to lay them on the table, and on this motion demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Budd, Davis of Nodaway, Dodson, Drake, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Green, Holcomb, Hughes, Husmann, King, McPherson, Rohrer, and Mr. President—15.

**NOES**—Messrs. Barr, Bonham, Bunce, Childress, Esther, Evans, Fletcher, Folmsbee, Fulkerson, Gamble, Henderson, Holland, Hume, Leonard, McKernan, Morton, Newgent, Rankin, Smith of Mercer, Smith of Worth, Strong, Swearingen, Switzler, Williams of Caldwell, and Williams of Scotland—25.

**ABSENT WITH LEAVE**—Messrs. Foster, Holdsworth, Martin, Nixdorf, and Thilenius—5.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Bush, Clover, Davis of New Madrid, D’Oench, Ellis, Filley, Grammer, Linton, Meyer, Owens, St. Gem, Sutton, and Weatherby—15.

**SICK**—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the motion to lay on the table was rejected.

On request of Mr. Sr. GEM, leave of absence was granted him for this day.

The PRESIDENT announced the following committee, in accordance with the resolution offered by Mr. Drake yesterday, to see that the Constitution be correctly enrolled:

Messrs. Drake, Switzler, and Holland.

Mr. BUSH obtained leave of absence for this afternoon.

The question being on the amendment of Mr. Folmsbee to Mr. Strong’s amendment, Mr. FOLMSBEE demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Childress, Evans, Folmsbee, Henderson, Morton, Rankin, and Strong—8.

**NOES**—Messrs. Bonham, Budd, Bush, Clover, Davis of Nodaway, Dodson, D’Oench, Drake, Ellis, Esther, Filley, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Green, Holcomb, Holland, Hughes, Hume, Husmann, King, Linton, McKernan, McPherson, Meyer, Rohrer, Smith of Mercer, Smith of Worth, Swearingen, Williams of Caldwell, Williams of Scotland, and Mr. President—33.

**ABSENT WITH LEAVE**—Messrs. Fletcher, Foster, Holdsworth, Martin, Newgent, Nixdorf, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Bunee, Davis of New Madrid, Gilbert of Platte, Grammer, Leonard, Owens, Sutton, and Weatherby—10.

**SICK**—Messrs. Cowden, Mack, Mitchell, Peck, and Switzler—5.

So the amendment was rejected.

Mr. BONHAM offered the following as a substitute for the amendment proposed by Mr. Strong:

**SEC. —** For the purpose of ascertaining the sense of the people in regard to the admission of persons of color to the right of suffrage, the question shall be submitted to, and voted upon by, the qualified voters of the State, at the general election to be held in the year one thousand eight hundred and seventy; and if the vote of the people should be against such admission, the General Assembly may, at any time thereafter, provide by law for again submitting the question to the qualified voters, at any general election, and as often as it may deem expedient. And if a majority of the votes given upon the question, at any such election, shall have been in favor of colored suffrage, the persons of color, being otherwise qualified as voters, shall be entitled to vote at all elections by the people. The General Assembly shall, by law, provide for carrying this section into effect.

On motion of Mr. ELLIS, the Convention adjourned until half-past 2 o’clock P. M.

### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. Bonham’s substitute for the amendment of Mr. Strong was taken up.

Mr. BONHAM moved a call of the house, which was ordered, and the following members responded to their names:

Messrs. Adams, Bonham, Budd, Bunce, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Folmsbee, Fulkerson, Gamble, Gilbert of Platte, Gilstrap, Green, Henderson, Holcomb, Holland, Hume, King, Leonard, McKernan, McPherson, Smith of Mercer, Sutton, Swearingen, Williams of Scotland, and Mr. President—28.

**A B S E N T W I T H L E A V E**—Messrs. Bush, Fletcher, Foster, Holdsworth, Martin Newgent, Nixdorf, Peck, St. Gem, and Thilenius—10.

**A B S E N T W I T H O U T L E A V E**—Messrs. Barr, Bedford, Childress, Clover, Davis of New Madrid, D’Oench, Esther, Filley, Gilbert of Lawrence, Grammer, Hughes, Husmann, Linton, Meyer, Morton, Owens, Rankin, Rohrer, Smith of Worth, Strong, Weatherby, and Williams of Caldwell—22.

**S I C K**—Messrs. Cowden, Mack, Mitchell, and Switzler—4.

Mr. WILLIAMS of Caldwell reported himself under arrest; stated that he had been detained with a sick friend. On motion, he was excused.

Mr. BARR reported himself under arrest; stated that he had been detained on a committee. On motion, he was excused.

Mr. ROHRER reported himself under arrest; stated that he had returned as soon as he could, living some distance from the hall. On motion, he was excused.

Mr. MEYER reported himself under arrest; stated that he had been at the provost marshal’s office on special business. On motion, he was excused.

Mr. GILBERT of Lawrence reported himself under arrest; stated that he had been in consultation with the Governor. On motion, he was excused.

Mr. GILSTRAP stated that he had no excuse to offer, nor should he offer any. The President decided that he was thereby in contempt of the Convention.

Mr. RANKIN reported himself under arrest; stated that he had been detained by a consultation with the Governor. On motion, he was excused.

Mr. CHILDRESS reported himself under arrest; stated that he had been detained by a consultation with the Governor. On motion, he was excused.

On motion of Mr. DAVIS of Nodaway, further proceedings under the call were dispensed with.

Mr. BONHAM modified his substitute to Mr. Strong’s amendment, so as to read as follows:

For the purpose of ascertaining the sense of the people in regard to the admission of

persons of color to the right of suffrage, the question shall be submitted to, and voted upon by, the qualified voters of the State, at the general election to be held in the year one thousand eight hundred and seventy. And if a majority of the votes given upon the question, at such election, shall have been in favor of colored suffrage, then persons of color, being otherwise qualified as voters, shall be entitled to vote at all elections by the people. The General Assembly shall, by law, provide for carrying this section into effect.

The question being on the substitute of Mr. Bonham, as modified by him, he demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**A Y E S**—Messrs. Bonham, D’Oench, Linton, McKernan, Williams of Scotland, and Mr. President—6.

**N O E S**—Messrs. Adams, Budd, Bunce, Childress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Green, Henderson, Holcomb, Holland, Hughes, Hume, King, Leonard, McPherson, Meyer, Newgent, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, and Swearingen—34.

**A B S E N T W I T H L E A V E**—Messrs. Bush, Fletcher, Foster, Holdsworth, Martin, Nixdorf, St. Gem, and Thilenius—8.

**A B S E N T W I T H O U T L E A V E**—Messrs. Barr, Bedford, Davis of New Madrid, Ellis, Evans, Graumer, Husmann, Morton, Owens, Weatherby, and Williams of Caldwell—11.

**S I C K**—Messrs. Cowden, Mack, Mitchell, Peck, and Switzler—5.

So the substitute was rejected.

Mr. DRAKE offered the following substitute for Mr. Strong’s amendment:

SEC. —. For the purpose of ascertaining the sense of the people in regard to the admission of persons of color to the right of suffrage, the question shall, in the manner hereinafter prescribed, be submitted to, and voted upon by, the qualified voters of the State, at the general election to be held in the year one thousand eight hundred and seventy. The ballots in favor of the admission of persons of color to the right of suffrage, shall have written or printed thereon the words “Colored Suffrage—Yes;” and those against such admission shall have written or printed thereon the words “Colored Suffrage—No.” The judges at said election shall count and return the votes given on said question, and the same shall be cast up and certified by the clerks of the several county courts, to the Secretary of State. And at the expiration of forty days after the election, the Governor shall proceed to ascertain, from the returns in the office of the Secretary of State, the aggregate vote of the State upon said question, including the soldiers’ vote, hereinbefore provided for,

and shall announce the same by his proclamation. And if a majority of the votes given and returned upon the question shall have been in favor of colored suffrage, then, from the date of such proclamation, male persons of color, being otherwise qualified, shall be entitled to vote at all elections by the people.

Mr. DRAKE moved the previous question, which was sustained by the Convention.

The question then being on the substitute offered by Mr. Drake, Mr. DRAKE demanded the ayes and noes thereon, and the vote being taken stood as follows:

**AYES**—Messrs. Bonham, Davis of Nodaway, D’Oench, Drake, Filley, Fulkerson, Gilbert of Lawrence, Holland, Hume, Linton, McPherson, Newgent, Smith of Worth, Swearingen, Williams of Scotland and Mr. President—16.

**NOES**—Messrs. Budd, Bunce, Childress, Clover, Dodson, Esther, Folmsbee, Gamble, Gilbert of Platte, Gilstrap, Green, Henderson, Holeomb, Hughes, King, Leonard, McKernan, Meyer, Rankin, Smith of Mercer, Strong, and Sutton—22.

**ABSENT WITH LEAVE**—Messrs. Bush, Fletcher, Foster, Holdsworth, Martin, Nixdorf, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Barr, Bedford, Davis of New Madrid, Ellis, Evans, Grammer, Husmann, Morton, Owens, Rohrer, Switzler, Weatherby and Williams of Caldwell—14.

**SICK**—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the substitute was rejected.

The question then being on adopting Mr. Strong’s amendment, Mr. GILSTRAP demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Folmsbee, Henderson, McKernan, Rankin, and Strong—5.

**NOES**—Messrs. Adams, Bonham, Budd, Bunce, Childress, Clover, Davis of Nodaway, Dodson, D’Oench, Drake, Esther, Filley, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Green, Holeomb, Holland, Hughes, Hume, King, Leonard, Linton, McPherson, Meyer, Newgent, Smith of Mercer, Smith of Worth, Sutton, Swearingen, Williams of Caldwell, Williams of Scotland, and Mr. President—35.

**ABSENT WITH LEAVE**—Messrs. Bush, Fletcher, Foster, Holdsworth, Martin, Nixdorf, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Barr, Bedford, Davis of New Madrid, Ellis, Evans, Grammer, Husmann, Owens, Rohrer, Morton, Switzler, and Weatherby—12.

**SICK**—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the amendment of Mr. Strong was rejected.

Mr. STRONG moved that the question of negro suffrage be indefinitely postponed; which motion was withdrawn.

Mr. GREEN offered the following as a substitute for the original article on the Right of Suffrage:

#### ARTICLE —.

##### *Elections, Qualifications of Voters and others.*

**SECTION 1.** After the adoption of this Constitution, all general elections shall be held biennially, commencing on the Tuesday after the first Monday in November, A. D. 1866, and every two years thereafter, on Tuesday, before the first Monday of the same month: *Provided*, The General Assembly may, by law, prescribe a different day.

**SEC. 2.** Every white male citizen of the United States (except idiots, insane persons, and such as are disqualifyed in the third section of this article for disloyal practices and sympathies), who shall have attained to the age of twenty-one years, been a resident of this State one year, and of the county in which he offers to vote two months, next before an election, shall be entitled to be registered, and to vote at all elections.

**SEC. 3.** Persons who, since the seventeenth day of December, A. D. 1861, shall have voluntarily engaged in war, rebellion, insurrection, or warlike array (or who, since said day, shall have voluntarily adhered to, openly sympathized with, or in any way aided, abetted, or encouraged others so engaged) against the government of the United States, or of the State of Missouri, or the military forces or loyal people thereof, and persons who, after having voted at any election, shall have claimed protection of any foreign government, to secure exemption from any military draft, or from service in the militia forces of this State, are hereby disqualified to vote, hold office, serve on juries, teach in public schools, serve as judges or clerks of any election, or as an officer of any corporation in this State: *Provided, however*, That any such person who, after having committed the acts aforesaid, shall have enlisted, as a volunteer, in the military service of the United States, or of this State, and served one year, or more, and been thereafter honorably discharged, is hereby relieved against the disabilities hereinabove imposed.

**SEC. 4.** All elections shall be by ballot, and continue one day only, except that the votes of qualified electors, absent in the military service of the United States, or of this State, shall be taken in any manner, on any day or days within twenty days before any election day, and returned in any time and manner as the General Assembly may, by law, prescribe.

**SEC. 5.** The General Assembly shall have power to exclude from the privileges of an elector, or other privilege, any person who may have been convicted of bribery, perjury, or other infamous crime.

**SEC. 6.** Electors, during attendance at elections, and in going to and returning therefrom, shall be privileged from arrest, in all cases except treason, felony, or breach of the peace.

**SEC. 7.** No person in the military, naval, or marine service of the United States, shall, by being stationed in any garrison, military or naval station within this State, be considered a resident of this State.

**SEC. 8.** For the purpose of preserving in purity the elective franchise to the loyal people, and of carrying into effect the provisions of this article of the Constitution, it shall be the duty of the General Assembly, before the next general election, to enact a uniform registration law, with such safeguards as will secure the registration of the qualified electors in every county, protect the ballot-box to loyal voters, and exclude therefrom the persons disqualified in section three of this article: *Provided*. That until such law shall have been enacted, elections may be conducted, and returns made, as now provided by law.

**SEC. 9.** It shall be the duty of the General Assembly, in addition to a registration law, to pass all such laws as may be found necessary to enforce the provisions of the several sections of this article, and especially the disqualifications imposed in the third section.

**SEC. 10.** Two years after the suppression of the rebellion and the restoration of peace between the Government of the United States and the so-called Confederate States of America, the General Assembly shall have power to declare, by law, the third section of this article, in whole or in part, inoperative and void, with such discriminations as they may by law provide.

**SEC. 11.** Before any person shall hold any position as an officer in any corporation vote at any election, or teach in any public school in this State, he shall take and subscribe to the following constitutional oath: "I, A. B., do solemnly swear (or affirm) that, since the 17th day of December, 1861, I have never, voluntarily, engaged in war, rebellion, insurrection, or warlike array (nor have I, since said day, voluntarily, adhered to, openly sympathized with, or in any way aided, abetted, or encouraged others so engaged) against the Government of the United States or of the State of Missouri, or the military forces, or the loyal people thereof; nor have I, since said day, having voted at any election, ever claimed the protection of any foreign government, to secure exemption from any military drafts, or from service in the militia forces of this State; but, since said day, I have, at all times, faithfully adhered to my allegiance to the Government of the United States and of the State of Missouri. I will support, defend and protect the Constitution of the United States and of this State against all enemies or opposers, so help me God."

**Mr. STRONG** moved to lay Mr. Green's substitute on the table; on which motion Mr. BONHAM demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Davis of Nodaway, Dodson, D'Oench, Drake, Esther, Filley, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Hume, King, McKernan, McPherson, Newgent, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—28.

**NOES**—Messrs. Adams, Clover, Gilbert of Platte, Gilstrap, Green, Holcomb, Holland, Hughes, Leonard, Linton, Meyer, and Mr. President—12.

**ABSENT WITH LEAVE**—Messrs. Bush, Fletcher, Foster, Holdsworth, Martin, Nixdorf, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Davis of New Madrid, Ellis, Evans, Folmsbee, Grammer, Husmann, Morton, Owens, Rohrer, Switzler, and Weatherby—12.

**SICK**—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the motion to lay on the table was agreed to.

Mr. BONHAM offered the following as a new section:

Every male person of foreign birth, of the age of twenty-one years or upward, who has resided in the State one year next preceding any election, and sixty days in the county or precinct where he offers to vote, and shall have declared his intention to become a citizen of the United States, according to the laws of Congress on the subject of naturalization, shall be allowed to vote at all elections in this State.

Mr. HOLCOMB moved the previous question, which was sustained.

The question then being on the adoption of Mr. Bonham's proposition, Mr. BONHAM demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Clover, Dodson, Filley, Gilbert of Lawrence, Gilstrap, Green, Hughes, King, Leonard, Linton, Meyer, Newgent, Swearingen, Williams of Caldwell, and Mr. President—17.

**NOES**—Messrs. Adams, Budd, Bunce, Childress, Davis of Nodaway, Drake, Esther, Folmsbee, Fulkerson, Gamble, Gilbert of Platte, Henderson, Holcomb, Holland, Hume, McPherson, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, and Williams of Scotland—22.

**ABSENT WITH LEAVE**—Messrs. Bush, Fletcher, Foster, Holdsworth, Martin, Nixdorf, and Thilenius—7.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Davis of New Madrid, D'Oench, Ellis, Evans, Grammer, Husmann, McKernan,

Morton, Owens, Rohrer, St. Gem, Switzler, and Weatherby—14.

SICK—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the new section was rejected.

Mr. GILSTRAP offered the following amendment:

Strike out section third, and insert in lieu thereof the following:

SEC. 3. That no person, disqualified under the provisions of this section, shall be deemed to be a qualified voter at any election under the Constitution or laws of this State, or to be qualified to hold any office of profit or trust thereunder; or be permitted to become a teacher in any public school, or allowed to solemnize the right of matrimony, or to act as an officer in any corporation within this State.

*First*—All persons who have been, or who hereafter may be, voluntarily engaged in any armed insurrection or rebellion, or in any armed hostile array against the Government of the United States, or of the State of Missouri.

*Second*—All persons who have been, or who hereafter may be, voluntarily engaged in giving aid and comfort to any person or persons described in the preceding subdivision.

*Third*—All persons who have been, or who hereafter may be, voluntarily acting with any armed band of partisans, guerrillas, marauders, or so-called bushwhackers, in violation of the laws of the United States, or of the State of Missouri; and all persons who have been, or who hereafter may be, voluntarily engaged in giving aid and comfort to any person or persons acting with any such armed band, so in violation of said laws.

*Fourth*—All persons who have, or who hereafter may have, since the 10th day of June, A. D. 1862, voluntary adhered to the cause of the so-called Confederate States of America: *Provided*, That any person who may be disqualified under the first or second sub-divisions of this section, for acts done, or words spoken or written, prior to the said 10th day of June, A. D. 1862, and who, prior to said day, shall have taken the benefit of any proclamation of pardon, or

of amnesty, in relief therefrom, issued under the authority of the President of the United States, or the Governor of the State of Missouri, or under any ordinance of her Convention, and who shall have continued faithfully to keep and observe the conditions thereof, shall be relieved and excepted from all disqualifications under this section: *and provided further*, That any person who may be disqualified under the provisions of the first, second, and fourth sub-divisions of this section, prior to the 10th day of May, A. D. 1865, and who shall have, prior to that day, volunteered into the military service of the United States, and shall faithfully serve therein for the period of twelve months, unless sooner discharged, shall be relieved from such disqualification.

Mr. BONHAM moved to lay Mr. Gilstrap's amendment on the table, and demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Adams, Barr, Bonham, Budd, Bunce, Childress, Davis of Nodaway, Drake, Filley, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holland, Hume, King, Leonard, McKernan, McPherson, Rankin, Strong, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—25.

NOES—Messrs. Clover, Dodson, D'Oench, Esther, Folmsbee, Gilbert of Platte, Gilstrap, Green, Holcomb, Linton, Meyer, Rohrer, Smith of Mercer, Smith of Worth, and Mr. President—51.

ABSENT WITH LEAVE—Messrs. Bush, Fletcher, Foster, Holdsworth, Martin, Newgent, Nixdorf, St. Gem, and Thilenius—9.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Davis of New Madrid, Ellis, Evans, Grammer, Hughes, Husmann, Morton, Owens, Switzler, and Weatherby—11.

SICK—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the motion to lay on the table was agreed to.

On motion of Mr. STRONG, the Convention adjourned until 9 o'clock to-morrow morning.

## SIXTY-EIGHTH DAY.

WEDNESDAY, MARCH 29th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Mr. GREEN offered the following ordinance, which was read the first time:

**AN ORDINANCE PROVIDING FOR THE ELECTIVE FRANCHISE.**

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:*

SEC. 1. All general elections in this State, shall be held biennially, on Tuesday after the first Monday in November, in the year of our Lord one thousand eight hundred and sixty-six, and on the same day every two years thereafter.

SEC. 2. All elections, in this State, shall be by ballot, and continue one day only.

SEC. 3. Every white male citizen of the United States, and every white male person who may have declared his intention to become a citizen of the United States, in pursuance of law, at least six months before he offers to vote, or to be registered as a voter; who is over the age of twenty-one years, having complied with this ordinance, and is not disqualified by or under its provisions; who shall have resided within this State one year next before any election, the last sixty days of which period shall be in the election district in which he is registered and offers to vote, shall be a qualified voter at all elections in this State: *Provided*, That no person shall vote in any other county than that in which he shall be registered, except persons in the military service of the United States and of the State of Missouri.

SEC. 4. Persons who, since the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-one, shall have voluntarily engaged in any insurrection, rebellion, war, or warlike array; or who, since said day, shall have voluntarily adhered to, openly sympathized with, or in any way aided, abetted, or encouraged others so engaged, against the Government of the United States or of the State of Missouri, the military forces or the loyal people thereof; and persons who, after having voted at any election within the United States, shall have claimed protection of any foreign government, to secure exemption from any military draft, or from service in the militia forces of this State, are hereby disqualified to vote, hold office, serve on juries, teach in public schools, serve as judges or clerks of any election, or as an officer in any corporation in this State: *Provided, however*, That any such person who, after having committed any of the acts aforesaid, shall have enlisted as a volunteer in the military service of the United States or of this State, and served one year or more, and shall have been honorably

discharged, is hereby relieved from the disabilities hereinbefore imposed.

SEC. 5. Before any person shall vote at any election, hold any office, serve on any jury, teach in any public school, serve as a judge or clerk of any election, or as an officer in any corporation, within this State, he shall take the following constitutional oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and of the State of Missouri, and obey the laws constitutionally enacted thereunder, and defend and protect the same against all enemies and opposers, domestic or foreign, to the best of my ability; so help me God. And I do further swear (or affirm) that, since the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-one, I have never voluntarily engaged in any insurrection, rebellion, war, or warlike array; nor have I, since said day, voluntarily adhered to, openly sympathized with, or in any way aided, abetted, or encouraged others so engaged, against the government of the United States, or of the State of Missouri, the military forces, or the loyal people thereof; nor have I, after having voted at any election within the United States, claimed protection of any foreign government, to secure exemption from any military draft, or from service in the military forces of this State."

SEC. 6. Any person who shall willfully take the oath in the next preceding section provided, knowing the facts therein, or any one of them, to be false, shall be guilty of perjury, and punished under existing laws. And any person who shall vote, or offer to vote, at any election in this State, having taken said oath falsely, in any fact therein mentioned, whether knowingly or not, shall be guilty of a misdemeanor, and punished by fine not less than one hundred dollars, nor more than five thousand dollars, or by imprisonment in the county jail not less than three, nor more than twelve months.

SEC. 7. The General Assembly shall have the power to exclude from the privilege of voting, or other privilege, any person who may have been convicted of bribery, perjury, felony, or other infamous crime.

SEC. 8. Voters, during their attendance at elections, and in going to and returning therefrom, shall not be subject to arrest, except for treason, felony, or breach of the peace.

SEC. 9. No person in the military, naval, or marine service of the United States, by being stationed in any garrison, military or naval station within this State, shall be considered a resident of this State.

SEC. 10. For the purpose of preserving, in purity, the elective franchise to the loyal

people, and of carrying into effect the provisions of this ordinance, it shall be the duty of the General Assembly, before the next general election, to enact a uniform registration law requiring the registration of all legal voters in this State, in pursuance of this ordinance: *Provided*, That any person being otherwise qualified to vote in this State, who may be absent from the county of his residence, in the military service of the United States, or of this State, wherever he may be shall be entitled to vote, without registration, on any day or days within twenty days next before and including any election day, in such manner as now is, or hereafter may be, provided by law.

SEC. 11. Every officer, civil and military, elected or appointed in pursuance of the Constitution and laws of this State, before entering upon the duties of his office, shall take and subscribe the constitutional oath in this ordinance provided, and shall file the same in the office of the clerk of the county court in the county of his residence; except members of the General Assembly, who shall take the same oath on taking their seats in that body.

SEC. 12. Until a registration of voters shall be made, in pursuance of this law, all voters shall take the constitutional oath aforesaid, before voting at any election hereafter held; and may be challenged before the judges of the election as being disqualified under this ordinance. But after such registration shall have been made, no question, except that of registration, shall be tried before the judges of any election.

SEC. 13. Any provision of the Constitution of this State, or of any law or ordinance of this State, in conflict with the provisions of the emancipation ordinance passed by this Convention on the 11th day of January, A. D. 1865, and inconsistent with the provisions of this ordinance, is hereby abrogated.

SEC. 14. The General Assembly shall, after the 1st day of January, A. D. 1870, have the power to repeal the fourth section and the second subdivision of the oath required in the fifth section of this ordinance.

SEC. 15. On the taking effect of the Constitution proposed by this Convention, this ordinance shall become inoperative and void.

MR. BONHAM moved to reject the ordinance, and demanded the previous question, which was sustained.

The question then being on the rejection of the ordinance, Mr. BONHAM demanded the ayes and noes thereon; and the vote being taken, stood as follows:

AYES—Messrs. Adams, Barr, Bonham, Badd, Bunce, Childress, Davis of Nodaway, Drake, Esther, Evans, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Hume, King, Leonard, McKernan, McPherson, Smith of Worth, Strong, Sutton, Williams of Caldwell, and Williams of Scotland—26.

NOES—Messrs. Bedford, Bush, Dodson, D'Oench, Ellis, Gilbert of Platte, Gilstrap, Green, Holcomb, Holland, Husmann, Linton, Meyer, St. Gem, Swearingen, Switzler, and Mr. President—17.

ABSENT WITH LEAVE—Messrs. Fletcher, Foster, Holdsworth, Hughes, Martin, Newgent, Nixdorf, and Thulenius—8.

ABSENT WITHOUT LEAVE—Messrs. Clover, Davis of New Madrid, Grammer, Morton, Owens, Rohrer, Smith of Mercer, and Weatherby—8.

SICK—Messrs. Cowden, Mack, Mitchell, Peck, and Rankin—5.

So the ordinance was rejected.

MR. STRONG, Chairman of the Committee on Education, presented the following report:

The committee to whom was referred the article of the Constitution upon Education, would respectfully report, that they have had the subject under consideration, and herewith present an article which embodies the views of the committee.

It will be readily admitted that the subject of general education is one of the most important that can engage the attention of those who desire the success and permanency of free institutions. All the constitutional safeguards which can be thrown around the liberty of the people will avail but little, unless the people themselves possess a sufficient degree of knowledge and intelligence rightly to appreciate the benefits of free government.

In our own State, just emerging from the desolations and dangers of a terrible civil war, and throwing off the shackles of a system of domestic slavery, which paralyzed energy, discouraged enterprise, and proscribed the general diffusion of knowledge, it seems a most appropriate time to establish a system of public schools, which, in the munificence of its provisions, the comprehensiveness of its objects, shall make free Missouri a worthy pattern for all States that would carry the means of a good education to the door of every inhabitant, without distinction of race, of color, or condition.

The plan we propose contemplates the establishment of a free school in every neighborhood where a sufficient number of children can be found to compose a school, in which the primary branches of instruction—reading, writing, spelling, arithmetic, geography, and grammar—shall be taught to every child in the State, who desires or needs the advantages of such instruction.

As population increases, the same plan will permit the establishment of schools of a higher grade, for instruction in the higher branches of education. Provision is also made for the establishment of a State University, which will furnish all the advantages of the most liberal course of instruction, with departments or colleges, which may be located at different points within the State, in which special instruction shall be given in the art of teaching, also in agriculture, and

in the natural sciences, especially in their application to the development of the extraordinary agricultural and mineral resources of the State.

The thorough training of professional teachers, thereby securing for that most honorable and important calling, the rank and dignity of the so-called "learned and liberal professions," appears to be the first step towards securing the complete success of any system of popular education. Until this is effected, we shall be dependent for most of our teachers upon those who, however well qualified so far as literary attainments are concerned, have never contemplated the profession of a teacher as the business of life, and enter upon it as a temporary expedient, to secure the means for attaining some other profession or position, deemed more honorable or desirable, rather than as a position of usefulness and influence, worthy the noblest energies and most ardent devotion of a lifetime.

A system which depends for its success upon the efforts of those who have no permanent interest in it, labors under great disadvantages. A successful teacher must be not only well trained in the theory of his profession, but he must possess an enthusiastic devotion to it, and that entire consecration of all his faculties to its prosecution, which, in this, as in all other professions, is essential to success. In theology, law and medicine, we expect a professional education, and schools are endowed for special instruction upon those subjects.

Why should not the teacher be prepared for his most important work, by special instruction in the peculiar duties of his profession?

The departments of agriculture and the natural sciences, will have a most important bearing upon the development of the agricultural and mineral resources of the State.

Whatever prejudice may exist against what is called "book farming," it is nevertheless true that knowledge and intelligence are as valuable in the cultivation of the soil as in any other pursuit. Scientific research has not only developed the mode whereby two blades of grass can be made to grow where only one would grow before, but it has discovered the means whereby the exhausted soil and the sterile waste might be reclaimed and made to yield abundant harvests.

As Missouri possesses a soil and climate peculiarly adapted to the production of the greatest variety and abundance of fruits and grains, and especially of the grape, it seems appropriate that we should establish, at the earliest practicable moment, a department for instruction in those sciences which have a direct bearing upon the development of this agricultural wealth, not only that we may secure the greatest return for the labor and capital invested, but that we may give dignity and importance to the pursuits of the husbandman, and make his calling what it should be, the most independent and honorable that can engage the attention of a freeman.

What science can do for agriculture, it can also do, perhaps in a higher degree, in developing and reducing to practical value, the varied and exhaustless mineral resources of the State, thereby inviting among us capital, labor and skill from other countries, and adding to the wealth and attractiveness of our commonwealth.

The management of the affairs of the public schools is committed to a board of education, composed of three persons, two of whom are officers of the State Government, and the other is elected for the express purpose of superintending the affairs of these schools. This officer will be the president of the board, and will be mainly responsible to the public for the success of the system of free schools. He is to hold his office for four years, being two years longer than the term of other State officers. Most of your committee deemed it proper to make his term of office four years, because of the extended field with which he must become ultimately acquainted, and because of the necessity of securing uniformity and a general harmony of plan in the schools throughout the State, to insure efficiency; and no man, in the short space of two years, could expect to organize and set in motion so extensive a system of public schools as our plan contemplates, nor to become acquainted with its workings and necessities after it was organized. Frequent changes in the mode of instruction, or in any of the general arrangements of such schools, must necessarily be detrimental, and should be avoided.

The election of the superintendent is left with the people. Much will depend upon the character and qualifications of this officer. He should be a man not only of thorough mental culture and extensive information, but of enlarged and liberal views, having some proper estimate of the responsibility of his position, and the magnitude of the work entrusted to him. The training of the children and youth of a free commonwealth is a trust of no ordinary importance. He should be able to secure the confidence of the individual parent, who will entrust to him his most valued possessions (his children), at the same time that he rightly guards the best interests of the State at large. As none are more deeply interested in securing a competent and worthy superintendent than those who are to support these schools, and be benefited by them, it seems eminently proper to leave the selection of this officer to the choice of the people.

Another feature of our plan is found in the attempt to secure an equal distribution of all funds held for purposes of common schools throughout the State. Your committee consider that it would be very advantageous to the cause of popular education, if local funds were, as far as possible, merged in the public school fund held by the State; but as this can not be accomplished without infringing upon vested rights, the equalization can only be secured by discriminating in favor of those

sections of the State which have no public funds, so that the children in those sections will receive an amount from the *State fund* equal to the amount received by those favored with local funds. There seems to be a propriety in this mode of distribution which needs no argument to commend it to all the friends of equal justice.

The removal of slavery, as one of the institutions of the State, and the consequent change of policy toward the colored race among us, has imposed upon the commonwealth the duty of furnishing to this hitherto oppressed and neglected people the means of education. We are under imperative obligations to do this, from a sense of justice to them, and from a regard to our own safety. One of the deepest wrongs inflicted upon the African race, by the system of slavery, was the deprivation of all means of education and self-improvement. So long as the State doomed him to slavery, it was deemed essential to her security that he should be kept in ignorance. Intelligence and slavery could not long exist together. But since he has been made a free man, it is equally essential that he should be made intelligent. Provision has therefore been made for an equal participation by colored children in the benefits of the public school fund, with the whites. The only distinction between the races, found in the article we submit, is that which enables the General Assembly to establish separate schools for children of color. We do not expect, and have not sought, to obliterate what has been termed an "antipathy of the races," by constitutional or legislative enactments.

In distributing the school fund we have provided that only those who actually receive instruction shall be entitled to it, and then just in proportion to the length of time during which they attend the public schools. The great object to be secured is the education of every child in the State to that extent which is perhaps most generally understood by the phrase, "a good common school education," while a higher degree of attainment ought to be, and will be, provided for all who desire it, under our system, when fully organized. Nothing less than this would deserve the name of popular education. To secure at least this degree of mental culture, provision is made for requiring attendance at the public schools of all children who are not otherwise instructed, during such a period of time as will enable each child to acquire the rudiments of education. The time fixed in the article is four years, of four months each: that is, each child, not incapacitated by mental or physical infirmity, must receive at least sixteen months instruction, at some period between the ages of five and eighteen years.

We suppose the instances will be rare indeed where the State will be obliged to compel an acceptance of its munificent bounty, in providing the means of education for all the children and youth in the

State. But should ignorance or cupidity desire to withhold from any child the advantages secured by this liberal provision on the part of the State, the law should provide the means whereby such cruel neglect on the part of any parent or guardian could be prevented.

One of the maxims of the law, as rigidly enforced as almost any other, is that "ignorance of the law furnishes no excuse" for its violation. Ample provision is made by the State for the publication of the laws, by which the people are to regulate their conduct. But of what avail are such provisions, unless the people are able to read? As well might the enactments of the General Assembly be fastened upon lofty pillars, too high to be seen, like the edicts of an ancient tyrant, or published in an unknown language, as to be printed and circulated where the advantages of education had never been enjoyed. If, then, the State would insure the success of her efforts to make every one acquainted with the laws of the land, she should furnish to every citizen an education which will enable him at least to read the Constitution and laws under which he lives.

We trust the day is not far distant when the curse of civil strife will be removed; when those who have so gallantly fought the battles of freedom will be able to "beat their swords into ploughshares, and their spears into pruning hooks," and return in peace and security to their own firesides.

Among the earliest indications of returning prosperity let them see the school house established in every neighborhood, and the blessings of education provided for their children, as a pledge of a grateful commonwealth that the free institutions so nobly defended by the fathers shall be secured to their descendants.

We have thus endeavored to set forth, in general terms, some of the principles of the system of popular education, which is embodied in the article herewith submitted. We ask from the Convention a favorable consideration of the merits of the plan proposed, believing, as we do, that the action of this Convention upon the subject of public schools, will have much to do in encouraging desirable emigration to our State.

A careful and thrifty husbandry may pour into the marts of commerce, and into the granaries of every inhabitant of the State, abundant productions of our exuberant soil; capital and skill may secure, for our rich and exhaustless mines, returns of untold wealth; but, after all, the security of free institutions, and the honor and glory of a free commonwealth, will be found only in an intelligent and virtuous people.

GEO. P. STRONG, Ch'n. EUGENE WILLIAMS,  
D. BONHAM, E. A. HOLCOMB,  
JER. WILLIAMS, B. F. HUGHES,  
E. G. EVANS, SAM'L A. GILBERT,  
PHILIP J. ROHRER, GEO. K. BUDD,  
DAVID HENDERSON, Committee.

ST. LOUIS, March 29, 1865.

The following is the Article accompanying said report:

**ARTICLE —.**

*Education.*

**SECTION 1.** A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free schools, for the gratuitous instruction of all persons in this State, between the ages of five and eighteen years.

**SEC. 2.** Separate schools may be established for children of African descent. All funds provided for the support of public schools shall be appropriated in just proportion to the number of children attending the public schools, and the average time of such attendance, without regard to color.

**SEC. 3.** The supervision of public instruction shall be vested in a Board of Education, whose powers and duties shall be prescribed by law; a Superintendent of Public Schools, who shall be the president of the board, shall be elected by the qualified voters of the State; he shall possess the qualifications of a State Senator, and hold his office for the term of four years; he shall perform such duties and receive such compensation as may be prescribed by law. The Secretary of State and Attorney General shall be *ex-officio* members, and, with the superintendent, compose said board of education.

**SEC. 4.** The General Assembly shall also establish and maintain a State University, with departments for instruction in teaching, in agriculture, and in natural science, as soon as the public school fund will permit.

**SEC. 5.** The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, and not otherwise appropriated by the United States; also, all moneys, stocks, bonds, lands, and other property, now belonging to any fund for purposes of education; also, the net proceeds of all sales of lands, and other property and effects, that may accrue to the State by escheat, or from sales of estrays, or from unclaimed dividends, or distributive shares of the estates of deceased persons, or from fines, penalties and forfeitures; also, any proceeds of the sales of the public lands, which may have been, or hereafter may be, paid over to this State (if Congress will consent to such appropriation); also, all other grants, gifts, or devises, that have been, or hereafter may be, made to this State, and not otherwise appropriated by the terms of the grant, gift, or devise, shall be securely invested and sacredly preserved as a public school fund, the annual income of which fund, together with so much of the ordinary revenue of the State as may be necessary, shall be faithfully appropriated for establishing and maintaining the free schools and the university in this article provided for, and for no other uses or purposes whatsoever.

**SEC. 6.** No part of the public school fund shall ever be invested in the stock or bonds,

or other obligations of any State, or of any county, city, town, or corporation. The stock of the Bank of the State of Missouri, now held for school purposes, and all other stocks belonging to any school or university fund, shall be sold in such manner and at such time as the General Assembly shall prescribe; and the proceeds thereof, also, the proceeds of the sales of any lands or other property, which may now, or hereafter, belong to said school fund, may be invested in the bonds of the United States, bearing not less than six per centum interest per annum; and may also be loaned upon good and sufficient unencumbered real estate security.

**SEC. 7.** No township or school district shall receive any portion of the public school fund, unless a free school shall have been kept therein for not less than four months during the year for which distribution thereof is made. The General Assembly shall have power to require, by law, that every child, of sufficient mental and physical ability, shall attend the public schools during the period between the ages of five and eighteen years, for a term equivalent to six months, (unless educated by other means.)

**SEC. 8.** The General Assembly shall, as far as it can be done without infringing upon vested rights, reduce all lands, moneys, and other property, used or held for school purposes, in the various counties of this State, into the public school fund herein provided for; and in making distribution of the annual income of said fund, shall take into consideration the amount of any county or city funds, appropriated for common school purposes, and make such distribution as will equalize the amount appropriated for common schools throughout the State.

On motion of Mr. WILLIAMS of Caldwell, the report was received, and two thousand copies thereof ordered to be printed in pamphlet form for the use of the members, and, also, the usual number of the accompanying Article.

By request of Mr. HUSMANN, he was excused for being absent yesterday, on account of special business.

On request of Mr. SWITZLER, he was excused for being absent yesterday afternoon, on account of sickness.

The article on the Right of Suffrage was taken up.

Mr. BUSH offered the following amendment:

Amend section three, by striking out in third line the words "has ever," and insert in lieu thereof the words "since the 17th day of December, 1861, has."

Mr. DRAKE moved to lay the amendment of Mr. Bush on the table, and demanded

the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Barr, Bonham, Budd, Bunee, Childress, Clover, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holcomb, Holland, Hume, King, Leonard, McKernan, McPherson, Rankin, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—34.

**NOES**—Messrs. Budford, Bush, D’Oench, Esther, Gilbert of Platt, Husmann, Linton, Meyer, Rohrer, Switzler, and Mr. President—11.

**ABSENT WITH LEAVE**—Messrs. Fletcher, Foster, Holdsworth, Hughes, Martin, Newgent, Nixdorf, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Davis of New Madrid, Gilstrap, Grammer, Green, Morton, Owens, and Weatherby—7.

**SICK**—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the amendment was laid on the table.

Mr. STRONG offered the following:

Every person who shall not have become a qualified voter in this State, prior to the first day of January, one thousand eight hundred and seventy, shall, in addition to the other qualifications required, be able to read and write, before he shall be deemed a qualified voter.

Mr. BUSH offered the following amendment thereto, which was accepted by Mr. Strong:

Amend the amendment by adding thereto the following words: “Excepting only those who are prevented, by a physical disability, from complying with this requisition.”

Mr. DRAKE offered the following substitute for Mr. Strong’s amendment:

After the first day of January, one thousand eight hundred and seventy-six, every person who was not a qualified voter prior to that time, shall, in addition to the other qualifications required, be able to read and write, in order to become a qualified voter; unless his inability to read or write shall be the result of a physical disability.

Mr. STRONG accepted the amendment proposed by Mr. Drake.

Mr. GILBERT of Platte asked leave of absence for Mr. Morton for ten days, which was granted.

On motion of Mr. BONHAM, the Convention adjourned until half-past 2 o’clock P.M.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment, the President in the chair.

The new section, as offered by Mr Strong,

as amended by Mr. Drake and accepted by Mr. Strong, was called up.

Mr. WILLIAMS of Caldwell moved to lay the proposition on the table.

Mr. DRAKE moved a call of the house, which was sustained, and on calling the roll the following members responded to their names:

Messrs. Adams, Bonham, Budd, Bunn, Childress, Clover, Davis of Nodaway, Dodson, D’Oench, Drake, Esther, Evans, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Green, Henderson, Holcomb, Holland, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Williams of Caldwell, Williams of Scotland, and Mr. President —37.

**ABSENT WITH LEAVE**—Messrs. Fletcher, Foster, Holdsworth, Hughes, Martin, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Barr, Bedford, Bush, Davis of New Madrid, Ellis, Filley, Gilstrap, Grammer, Meyer, Nixdorf, Owens, Rankin, and Weatherby—13.

**SICK**—Messrs. Cowden, Mack, Mitchell, Peck, and Switzler—5.

On motion of Mr. DAVIS of Nodaway further proceedings under the call were dispensed with.

The question then being on the motion of Mr. Williams of Caldwell, to lay the new section offered by Mr. Strong, and amended by Mr. Drake, on the table, Mr. DRAKE demanded the ayes and noes thereon, and the vote being taken stood as follows:

**AYES**—Messrs. Adams, Bonham, Bunee, Childress, Davis of Nodaway, Dodson, Esther, Fulkerson, Gilbert of Lawrence, Green, Holcomb, Hume, Leonard, Sutton, Swearingen, and Williams of Caldwell—16.

**NOES**—Messrs. Budd, Clover, D’Oench, Drake, Evans, Folmsbee, Gamble, Gilbert of Platte, Henderson, Holland, Husmann, King, Linton, McKernan, McPherson, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Williams of Scotland, and Mr. President—22.

**ABSENT WITH LEAVE**—Messrs. Fletcher, Foster, Holdsworth, Hughes, Martin, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Barr, Bedford, Bush, Davis of New Madrid, Ellis, Filley, Gilstrap, Grammer, Meyer, Nixdorf, Owens, Switzler, and Weatherby—13.

**SICK**—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the motion to lay on the table was rejected.

Mr. DRAKE moved a call of the house, which was sustained. The call being made,

the following members responded to their names:

Messrs. Adams, Barr, Bonham, Budd, Bunce, Childress, Clover, Davis of Nodaway, Dodson, D'Oench, Drake, Esther, Evans, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Green, Henderson, Holcomb, Holland, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Meyer, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Williams of Caldwell, and Mr. President—39.

ABSENT WITH LEAVE—Messrs. Fletcher, Foster, Holdsworth, Hughes, Martin, Morton, Newgent, and Thilenius—8.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Bush, Davis of New Madrid, Ellis, Filley, Gilstrap, Grammer, Nixdorf, Owens, St. Gem, Weatherby, and Williams of Scotland—12.

SICK—Messrs. Cowden, Mack, Mitchell, Peck, and Switzler—5.

Mr. BUSH reported himself under arrest; stated he thought the debate was still going on, was the reason he was delayed. On motion of Mr. CLOVER, he was excused.

Mr. ST. GEM reported himself under arrest, and stated that he had been detained by his military office. On motion of Mr. FOLMSBEE, he was excused.

On motion, further proceedings under the call were dispensed with.

The pending amendment, offered by Mr. Drake, to the article on Rights of Suffrage, was taken up.

Mr. BARR offered the following amendment to the amendment:

Amend by striking out “one thousand eight hundred and seventy-six,” and inserting in lieu thereof “one thousand nine hundred;” and add, after the words “read and write,” “the Hebrew language, and own two thousand dollars’ worth of property in real estate.”

On motion of Mr. KING, the amendment to the amendment was laid on the table.

Mr. DRAKE moved the previous question, which was sustained.

The question being on the adoption of Mr. Drake’s amendment, he demanded the ayes and noes, and the vote being taken, stood as follows:

AYES—Messrs. Budd, Bush, Clover, D’Oench, Drake, Evans, Folmsbee, Gamble, Gilbert of Platte, Henderson, Holcomb, Holland, Husmann, King, Linton, McKernan, McPherson, Meyer, Rohrer, Smith of Mercer, Smith of Worth, Strong, and Mr. President—23.

NOES—Messrs. Barr, Bonham, Childress, Davis of Nodaway, Dodson, Esther, Fletcher,

Fulkerson, Gilbert of Lawrence, Green, Hume, Leonard, St. Gem, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—17.

ABSENT WITH LEAVE—Messrs. Foster, Holdsworth, Hughes, Martin, Morton, Newgent, and Thilenius—7.

ABSENT WITHOUT LEAVE—Messrs. Adams, Bedford, Bunce, Davis of New Madrid, Ellis, Filley, Gilstrap, Grammer, Nixdorf, Owens, Rankin, and Weatherby—12.

SICK—Messrs. Cowden, Mack, Mitchell, Peck, and Switzler—5.

So the amendment was adopted.

Mr. BUSH offered the following amendment:

Amend section eighteenth by inserting in first line, after the words “United States,” the following: “and every male person of foreign birth, who may have declared his intention to become a citizen of the United States, according to law, at least six months before he offers to vote, who is.”

Mr. DRAKE moved to lay the amendment on the table; and on this motion Mr. BONHAM demanded the ayes and noes. The vote being taken, stood as follows:

AYES—Messrs. Budd, Bunce, Childress, Davis of Nodaway, Drake, Evans, Fulkerson, Gamble, Henderson, Hume, McKernan, McPherson, Rankin, Smith of Worth, Strong, Sutton, and Williams of Scotland—17.

NOES—Messrs. Barr, Bonham, Bush, Clover, Dodson, D’Oench, Folmsbee, Gilbert of Lawrence, Gilbert of Platte, Green, Holcomb, Holland, Husmann, King, Leonard, Linton, Meyer, Rohrer, St. Gem, Smith of Mercer, Swearingen, Switzler, Williams of Caldwell, and Mr. President—24.

ABSENT WITH LEAVE—Messrs. Foster, Holdsworth, Hughes, Martin, Morton, Newgent, and Thilenius—7.

ABSENT WITHOUT LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, Ellis, Esther, Filley, Fletcher, Gilstrap, Grammer, Nixdorf, Owens, and Weatherby—12.

SICK—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the motion to lay on the table was rejected.

Mr. BUSH then modified his amendment by striking out the word “six,” and inserting in lieu thereof the word “twelve.”

The question then being on the amendment of Mr. Bush, as so modified, Mr. BONHAM demanded the ayes and noes; and the vote being taken, stood as follows:

AYES—Messrs. Bonham, Budd, Bush, Clover, Davis of Nodaway, Dodson, D’Oench, Drake, Fulkerson, Gilbert of Lawrence, Gilbert of Platte, Henderson, Holcomb, Holland, Husmann, King, Leonard, Linton, Meyer, Rohrer, St. Gem, Swearingen,

Williams of Caldwell, and Mr. President—24.

**NOES**—Messrs. Bunce, Childress, Evans, Folsbee, Gamble, Hume, McPherson, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Switzler, and Williams of Scotland—14.

**ABSENT WITH LEAVE**—Messrs. Foster, Holdsworth, Hughes, Martin, Morton, Newgent, and Thilenius—7.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Barr, Bedford, Davis of New Madrid, Ellis, Esther, Filley, Fletcher, Gilstrap, Grammer, Green, McKernan, Nixdorf, Owens, and Weatherby—15.

**SICK**—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the amendment was adopted.

**Mr. DRAKE** offered the following amendment, which was adopted:

Amend section eighteenth, line first, by inserting, after the word “years,” the words “who is.”

**Mr. FOLMSBEE** offered the following amendment:

Amend section ninth, in line sixth, by adding, after the word “marriages,” the following: “or perform any other duties officially incumbent on them, as such.”

**Mr. DAVIS** of Nodaway moved the previous question, which was sustained.

The question being on the adoption of Mr. Folsbee's amendment, Mr. SMITH of Worth demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Childress, Davis of Nodaway, Dodson, Evans, Folsbee, Gilbert of Lawrence, Holecomb, Holland, Hume, Leonard, Rankin, St. Gem, Smith of Mercer, Smith of Worth, Strong, Williams of Caldwell, Williams of Scotland, and Mr. President—19.

**NOES**—Messrs. Barr, Budd, Bush, Clover, D’Oench, Drake, Fulkerson, Gamble, Gilbert of Platte, Henderson, Husmann, King, Linton, McKernan, McPherson, Meyer, Rohrer, Swearingen, and Switzler—19.

**ABSENT WITH LEAVE**—Messrs. Foster, Holdsworth, Hughes, Martin, Morton, Newgent, and Thilenius—7.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Bunce, Davis of New Madrid, Ellis, Esther, Filley, Fletcher, Gilstrap, Grammer, Green, Nixdorf, Owens, Sutton, and Weatherby—15.

**SICK**—Cowden, Mack, Mitchell, Peck—4.

So the amendment was not adopted.

**Mr. STRONG** offered the following amendment to section eighteen:

Amend by striking out the words “at least twelve months,” and insert the words “not less than one year, nor more than five years.”

**Mr. GILBERT** of Lawrence moved the previous question, which was sustained,

The question then being on adopting Mr. Strong's amendment to section eighteen, Mr. BONHAM demanded the ayes and noes, and the vote being taken stood as follows:

**AYES**—Messrs. Barr, Budd, Bunce, Childress, Drake, Folsbee, Fulkerson, Gamble, Gilbert of Platte, Henderson, Holcomb, Hume, Leonard, McKernan, McPherson, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzler, Williams of Caldwell, and Williams of Scotland—24.

**NOES**—Messrs. Bonham, Bush, Clover, Davis of Nodaway, Dodson, D’Oench, Evans, Gilbert of Lawrence, Holland, Husmann, King, Linton, Meyer, Rohrer, St. Gem, and Mr. President—16.

**ABSENT WITH LEAVE**—Messrs. Foster, Holdsworth, Hughes, Martin, Morton, Newgent, and Thilenius—7.

**ABSENT WITHOUT LEAVE**—Adams, Bedford, Davis of New Madrid, Ellis, Esther, Filley, Fletcher, Gilstrap, Grammer, Green, Nixdorf, Owens and Weatherby—13.

**SICK**—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the amendment was adopted.

**Mr. GILBERT** of Platte offered the following amendment:

Amend section five by striking out all after the word “voter” in the fifth line.

**Mr. DRAKE** moved to lay the amendment on the table.

On this motion Mr. GILBERT of Platte demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Davis of Nodaway, Dodson, Drake, Folsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holland, Hume, King, Leonard, McKernan, McPherson, Rankin, St. Gem, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, and Williams of Caldwell—27.

**NOES**—Messrs. Bush, Gamble, Gilbert of Platte, Holecomb, Husmann, Linton, Rohrer, Williams of Scotland, and Mr. President—9.

**ABSENT WITH LEAVE**—Messrs. Foster, Holdsworth, Hughes, Martin, Morton, Newgent, and Thilenius—7.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, D’Oench, Ellis, Esther, Evans, Filley, Fletcher, Gilstrap, Grammer, Green, Meyer, Nixdorf, Owens, Switzler, and Thilenius—17.

**SICK**—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the amendment was laid on the table.

**Mr. BONHAM** moved that the article on Right of Suffrage be engrossed for a third reading, and on that motion demanded the previous question, which was sustained.

The question then being on the motion to

engross the article on the Right of Suffrage, Mr. BONHAM demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunee, Bush, Childress, Clover, Davis of Nodaway, Dodson, Drake, Evans, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Hume, Husmann, King, Leonard, McKernan, McPherson, Rankin, Smith of Worth, Strong, Sutton, Swearingen, Williams of Caldwell, and Mr. President—29.

**NOES**—Messrs. Gilbert of Platte, Holcomb, Holland, Linton, Rohrer, St. Gem, Smith of Mercer, and Williams of Scotland—8.

**ABSENT WITH LEAVE**—Messrs. Foster, Holdsworth, Hughes, Martin, Morton, Newgent, and Thilenius—7.

**ABSENT WITHOUT LEAVE**—Messrs. Adams,

Bedford, Davis of New Madrid, D'Oench, Ellis, Esther, Filley, Fletcher, Gilstrap, Grammer, Green, Meyer, Nixdorf, Owens, Switzler, and Weatherby—16.

**SICK**—Messrs. Cowden, Mack, Mitchell, and Peck—4.

So the motion was adopted, and the article ordered to be engrossed.

Mr. KING offered the following proposition:

Amend section four of rule forty-four, by striking out the words “elected to the Convention,” and insert in lieu thereof the word “present.”

Which was read and laid over under the rule.

On motion of Mr. DAVIS of Nodaway, the Convention adjourned until 9 o’clock to-morrow morning.

## SIXTY-NINTH DAY.

THURSDAY, MARCH 30th, 1865.

Convention met pursuant to adjournment, the President in the chair.

The proposition of Mr. King, to amend section four, of the forty-fourth standing rule, was called up.

Mr. SMITH of Worth offered the following resolution:

*Resolved*, That the title of the proposed amendment to the Constitution shall be: “King’s” Constitution of ‘Drake,’; that it be bound in morocco or “Duck,” “Owen” to “Holcomb” and “Hughes” neglect it has become weak, hollow and faint; therefore it should be “Bush”—ed by “Lint-on,” and run through the “Barr’s,” in order that it may graze upon the “Green” “Budd’s” of “Clover,” until it has become “Strong.” Thus “Foster”—ed with sweet “Williams” and decorated with “St. Gems,” “Gilstrap,” and “Husmann” and “Switzler,” can not sink it into the “Meyer,” while it is “Krekel,” ing about, “Harris”—ing the people. Although neglected by “Gilbert” and all “Holland,” this “New-gent” is perfectly safe in the hands of “Bonham” and “Mack,” let the “Weather-by” what it may. As “Gamble”—ing is the game to pass bills through this body, let the “Rohrer” loose, and all hands pitch in, without “Swearing-en” be governed by the rules laid in the down of “Drake’s” manual.

The President ruled the proposition of Mr. Smith as out of order.

Mr. DRAKE moved the previous question, which was sustained.

The question then being on the adoption of Mr. King’s proposition to amend section four of the forty-fourth standing rule, Mr. DRAKE demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Barr, Bonham, Budd, Bunee, Childress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Hume, King, Leonard, McKernan, McPherson, Mack, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, and Weatherby—29.

**NOES**—Messrs. Bedford, Bush, D’Oench, Ellis, Evans, Gilbert of Platte, Gilstrap, Green, Holcomb, Holland, Husmann, Linton, Meyer, Rohrer, St. Gem, Smith of Worth, Switzler, Williams of Caldwell, and Mr. President—19.

**ABSENT WITH LEAVE**—Messrs. Fletcher, Foster, Holdsworth, Hughes, Martin, Morton, Newgent, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Davis of New Madrid, Grammer, Nixdorf, Owens, and Williams of Scotland—5.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

So the proposition of Mr. King was adopted.

Mr. HUSMANN asked leave of absence for ten days.

Objections being made to giving such leave, Mr. BONHAM demanded the ayes and noes thereon, and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Barr, Bedford, Budd, Bunce, Bush, Childress, Clover, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Esther, Filley, Fulkerson, Gamble, Gilbert of Lawrence, Gilbert of Platte, Gilstrap, Green, Henderson, Holcomb, Holland, Hume, King, Leonard, Linton, McPherson, Mack, Meyer, Rankin, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Sutton, Swearingen, Switzler, Weatherby, Williams of Caldwell, and Mr. President—42.

**NOES**—Messrs. Bonham, Evans, and Strong—3.

**ABSENT WITH LEAVE**—Messrs. Fletcher, Foster, Holdsworth, Hughes, Martin, Morton, Newgent, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Davis of New Madrid, Folmsbee, Grammer, McKernan, Nixdorf, Owens, and Williams of Scotland—7.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

**EXCUSED FROM VOTING**—Mr. Husmann—1.

So leave of absence was granted Mr. Husmann, as asked for.

On request of Mr. D'OENCH, leave of absence was granted him for this afternoon.

On request of Mr. EVANS, leave of absence was granted him for ten days from tomorrow.

On motion of Mr. BUDD, the pending article on State Indebtedness was taken up.

Mr. GILSTRAP called up the substitute offered by him for said article.

On motion of Mr. DRAKE, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

By request of Mr. WILLIAMS of Caldwell, Messrs. Barr and Ellis were granted leave of absence for this afternoon, on account of transacting business with the Committee on Militia.

Mr. DRAKE offered the following as the ordaining clause of the Constitution, which was read the first and second time:

We, the people of the State of Missouri, grateful to Almighty God, the Sovereign Ruler of nations, for our State Government, our liberties, and our connection with the American Union, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this revised and amended Constitution.

Mr. DRAKE moved a suspension of the rules governing the Convention, and that the

proposition be considered engrossed, be read a third time, and put on its final passage; which was agreed to.

The proposition was then read a third time and adopted, and referred to the Revising Committee.

On motion of Mr. BUDD, the article on State Indebtedness, with the substitute offered therefor by Mr. Gilstrap, was taken up.

Mr. DRAKE moved that the ten-minute rule be suspended for the benefit of Mr. Bush.

Mr. LINTON moved the entire suspension of the ten-minute rule governing this Convention.

Mr. WILLIAMS of Caldwell moved to amend the motion of Mr. Linton by suspending the ten-minute rule during the consideration of the pending question.

After debate, the motion of Mr. Drake, with the pending motion of Mr. Linton, and the amendment thereto by Mr. Williams of Caldwell, were withdrawn.

Mr. KREKEL moved to strike out the third section of the substitute; and after debate, withdrew his motion.

Mr. HOLLAND moved to refer the article on Finance, together with the substitute of Mr. Gilstrap, back to the Committee on Finance, with instruction to report, by ordinance or otherwise, on the subject of State indebtedness.

Mr. WILLIAMS of Caldwell moved as a substitute, that the report of the Finance Committee, together with the substitute, be referred to a committee of nine, composed of one from each congressional district.

After debate, Mr. WILLIAMS of Caldwell withdrew his motion.

Mr. BUSH asked leave of absence for himself for two days, which was granted.

Mr. BUDD asked leave of absence for tomorrow, which was granted.

The motion of Mr. Holland, to refer the report of State indebtedness, with the substitute therefor, back to the Committee on Finance, was adopted.

On motion of Mr. DAVIS of Nodaway, Mr. Gilstrap was added to the Committee on Finance.

Mr. GILBERT of Platte asked leave of absence for one week, which was granted.

On motion of Mr. ST. GEM, the Convention adjourned until 9 o'clock to-morrow morning.

## SEVENTIETH DAY.

FRIDAY, MARCH 31st, 1865.

Convention met pursuant to adjournment, the President in the chair.

Mr. BONHAM offered the following resolution, which was adopted:

*Resolved*, That two copies of the Constitution shall be enrolled, and when the Constitution shall have been finally adopted by the Convention, each of said copies shall be authenticated by the signatures of the President, the Secretaries, and the members present, in the following order, to-wit: 1st, the President; 2d, the Vice President; 3d, the members, in alphabetical order; and 4th, the attestation of the Secretary and Assistant Secretary; and each member shall write, opposite his name, that of the county of his residence; and when the said copies are so authenticated, the Secretary shall immediately deposit one in the office of the Secretary of State, and the other in the office of the clerk of the Supreme Court, in the city of St. Louis, taking receipts therefor.

Mr. DRAKE, Chairman of the Revising Committee, submitted the following report:

MR. PRESIDENT: The Revising Committee, to whom was referred the ordaining clause of the Constitution, beg leave to report the same back without amendment.

C. D. DRAKE, *Chairman.*

Mr. DRAKE moved that the article denominated the ordaining ordinance, be enrolled as part of the Constitution.

Mr. WILLIAMS of Scotland made the following motion:

Strike out the words "Almighty God," wherever they occur in the Constitution, and insert the words "German citizens."

Which was declared out of order.

Mr. BUNCE demanded the previous question, which was sustained by the Convention.

The question being on the adoption of the ordaining clause, the ayes and noes were demanded by Mr. SWITZLER; and the vote being taken, stood as follows:

AYES—Messrs. Adams, Barr Bonham, Bunce, Childress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Evans, Folmsbee, Fulkerson, Gamble, Henderson, Holcomb, Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzler, Weatherby, Williams of Caldwell, and Williams of Scotland—33.

NOES—Messrs. Bedford, D'Oench, Husmann, Linton, Meyer, Rohrer, St. Gem, and Mr. President—8.

ABSENT WITH LEAVE—Messrs. Budd, Bush, Foster, Gilbert of Platte, Holdsworth, Hughes, Martin, Morton, Newgent, and Thilenius—10.

ABSENT WITHOUT LEAVE—Messrs. Davis of New Madrid, Ellis, Filley, Fletcher, Gilstrap, Grammer, Green, Nixdorf, and Owens—9.

SICK—Messrs. Cowden, Mitchell, and Peck—3.

EXCUSED—Mr. Gilbert of Lawrence—1.

So the article was adopted, and, under the rule, ordered to be referred to the Enrolling Committee.

On request of Mr. ST. GEM, leave of absence was granted him for one week.

Mr. DRAKE offered the following article on Miscellaneous Provisions, which was read the first and second time, and, on his motion, referred to the Committee on Miscellaneous Provisions:

### ARTICLE —.

#### *Miscellaneous Provisions.*

SECTION 1. The General Assembly of the State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation which Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; nor shall lands belonging to persons residing out of the limits of this State ever be taxed at a higher rate than the lands belonging to persons residing within the State.

SEC. 2. The State shall have concurrent jurisdiction on the river Mississippi, and on every other river bordering on the said State, so far as the said river shall form a common boundary to this State and any other State which may be bounded thereby; and the said river Mississippi, and the navigable rivers and waters leading into the same, whether bordering on or within this State, shall be common highways, and forever free to the citizens of this State, and of the United States, without any tax, duty, import, or toll therefor, imposed by the State.

SEC. 3. All statute laws of this State, now in force, not inconsistent with this Constitution, shall continue in force until they shall expire by their own limitation, or be amended or repealed by the General Assembly; and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue; and all indictments

which shall have been found, or may hereafter be found, for any crime or offense, committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as hereinafter specified.

SEC. 4. No person shall be prosecuted in any civil action or criminal proceeding for, or on account of, any act by him done, performed, or executed, after the first day of January, one thousand eight hundred and sixty-one, by virtue of military authority, vested in him by the government of the United States, or that of this State, to do such act, or in pursuance of orders received by him from any person vested with such authority; and if any action, or proceeding, should have heretofore been, or shall hereafter be, instituted against any person for the doing of any such act, the defendant may plead this section in bar thereof.

SEC. 5. No person, who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry, a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.

SEC. 6. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an account of the receipts and expenditures of the public money shall be annually published.

SEC. 7. No person holding an office of profit under the United States, shall, during his continuance in such office, hold any office of profit under this State.

SEC. 8. In the absence of any contrary provision, all officers, now or hereafter elected or appointed, shall hold office during their official term, and until their successors shall be duly elected or appointed, and qualified.

Mr. LINTON offered the following resolution:

*Resolved*, That we, the people of the State of Missouri, are grateful to Almighty God, the Sovereign Ruler of nations, for our State government, our liberties, and our connection with the American Union, and acknowledge our dependence upon Him for the continuance of those blessings to us and our posterity.

Mr. SMITH of Mercer moved the previous question, which was sustained.

Mr. DRAKE moved to postpone the resolution indefinitely, and demanded the ayes and noes thereon; and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bonham, Bunce, Childress, Davis of Nodaway, Dodson, Drake, Esther, Evans, Folmsbee, Fulker-  
son, Gilbert of Lawrence, Henderson, Holland, Hume, Leonard, McPherson, Mack, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, and Williams of Scotland—25.

NOES—Messrs. Adams, Clover, D'Oench, Gamble, Gilstrap, Holcomb, Husmann, King, Linton, McKernan, Meyer, Rohrer, St. Gem, Switzler, Weatherby, and Mr. President—16.

ABSENT WITH LEAVE—Messrs. Budd, Bush, Foster, Gilbert of Platte, Holdsworth, Hughes, Martin, Morton, Newgent, and Thilenius—10.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Davis of New Madrid, Ellis, Filley, Fletcher, Grammer, Green, Nixdorff, Owens, and Williams of Caldwell—10.

SICK—Messrs. Cowden, Mitchell, and Peck—3.

So the resolution was indefinitely postponed.

On motion of Mr. DAVIS of Nodaway, the article on Education was taken up.

On request of Mr. MEYER, Chairman of the Committee on Accounts, he was allowed to procure the printing of one hundred and fifty blank warrants, so as to enable him to make his final settlement with the members, officers, etc., of this Convention.

Mr. CHILDRESS offered the following amendment to the article on Education, which was adopted:

Strike out the word “eighteen,” in fifth line of first section, and insert in lieu thereof the words “twenty-one.”

Mr. SMITH of Mercer offered the following amendment:

Amend the second section by striking out, in the first line, the word ‘‘may,’’ and insert in lieu thereof the word ‘‘shall.’’

Mr. CLOVER demanded the previous question, which was sustained.

The question then being on adopting the amendment of Mr. Smith of Mercer, Mr. ST. GEM demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Dodson, Gamble, Gilstrap, Rohrer, Smith of Mercer, Swearingen, Switzer, and Williams of Scotland—8.

NOES—Messrs. Adams, Bedford, Bonham, Childress, Clover, Davis of Nodaway, D'Oench, Drake, Esther, Evans, Folmsbee, Fulker-  
son, Gilbert of Lawrence, Henderson, Holcomb, Holland, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Meyer, Rankin, St. Gem, Smith of Worth, Strong, Sutton, Weatherby, and Williams of Caldwell—32.

ABSENT WITH LEAVE—Messrs. Budd, Bush, Foster, Gilbert of Platte, Holdsworth, Hughes, Martin, Morton, Newgent, and Thilenius—10.

ABSENT WITHOUT LEAVE—Messrs. Barr, Bunce, Davis of New Madrid, Ellis, Filley,

Fletcher, Grammer, Green, Nixdorf, Owens, and Mr. President—11.

SICK—Messrs. Cowden, Mitchell, and Peck—3.

So the amendment was rejected.

Mr. SWITZLER offered the following as a new section:

SEC. —. All moneys, including principal and interest, arising from the sales, which have been or hereafter may be made, of any land granted by the United States to this State for the use of a seminary of learning, and the proceeds of such land remaining unsold, and all donations which may hereafter be made for that purpose, shall be and remain legally inviolate, and be appropriated to the seminary of learning (established for the promotion of literature and the arts and sciences, by an act of the General Assembly of this State, approved February 11, 1839), by the name of “The Curators of the University of the State of Missouri,” said seminary being permanently located in the town of Columbia, and county of Boone.

On motion of Mr. GILBERT of Lawrence, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. DRAKE offered the following resolution:

*Resolved*, That the following title be prefixed to the Constitution, to-wit: “Constitution of the State of Missouri, as revised, amended, and adopted in Convention, begun and held at the city of St. Louis, on the 6th day of January, one thousand eight hundred and sixty-five.”

Which was read the first and second time, and, on motion of Mr. DRAKE, the rules were suspended, the article read a third time, adopted, and referred to the Revising Committee.

The pending question, being the new section offered by Mr. Switzler to the article on Education, was called up, and the question being on the adoption of the section, Mr. DAVIS of Nodaway demanded the ayes and noes thereon, and the vote being taken, stood as follows:

AYES—Messrs. Gilstrap, Swearingen, and Switzler—3.

NOES—Messrs. Adams, Bedford, Bonham, Bunce, Childress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Green, Henderson, Holcomb, Holland, Hume, Husmanu, Leonard, Linton, McKer-

nan, McPherson, Mack, Meyer, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Weatherby, Williams of Scotland, and Mr. President—35.

ABSENT WITH LEAVE—Messrs. Budd, Bush, Evans, Foster, Gilbert of Platte, Holdsworth, Hughes, Martin, Morton, Newgent, St. Gem, and Thilenius—12.

ABSENT WITHOUT LEAVE—Messrs. Barr, Davis of New Madrid, D’Oench, Ellis, Filley, Fletcher, Grammer, King, Nixdorf, Owens, and Williams of Caldwell—11.

SICK—Messrs. Cowden, Mitchell, and Peck—3.

So the new section was rejected.

Mr. SWITZLER offered the following amendment:

Strike out all after the words “per annum,” in the tenth line of section sixth.

Mr. KREKEL offered the following as a substitute for the amendment of Mr. Switzler, which was adopted:

Amend section sixth, line eighth, as follows: Strike out the word “said,” and insert the words “the State.” Amend sixth section, tenth line, by striking out the words “may also,” and insert the words “all county school funds shall.” Strike out the word “security,” in the eleventh line, and add at the end of the section the words “with additional personal security.”

On motion, the substitute was adopted.

Mr. HUSMANN offered the following amendment, which was rejected:

Amend by striking out section four.

Mr. HOLLAND offered the following amendment, which was adopted:

Amend by striking out the words “bearing not less than six per centum interest per annum,” in ninth and tenth lines, section sixth.

Mr. HOLCOMB offered the following amendment, which was adopted:

Amend section second by striking out the word “just,” in the third line; also, all between the word “children,” in third line, and the word “without,” in the fourth line.

Mr. SMITH of Worth offered the following amendment:

Strike out the first clause of section seventh, down to the word “the,” in the fourth line.

Mr. KREKEL offered the following as a substitute for the amendment of Mr. Smith of Worth:

Strike out the word “four,” and insert “three” in lieu thereof.

Mr. WEATHERBY offered the following resolution:

*Resolved*, That the Convention will hereafter hold night sessions, commencing at half-past 7 o'clock.

Which was laid over under the rules.

On request of Mr. HUSMANN, he was

relieved from further duty on the Engrossing Committee.

On motion of Mr. GILSTRAP, the Convention adjourned until 9 o'clock to-morrow morning.

## SEVENTY-FIRST DAY.

SATURDAY, APRIL 1st, 1865.

Convention met pursuant to adjournment, the President in the chair.

Mr. FOLMSBEE presented a petition from P. T. Kenney, asking the Convention to pass an ordinance enabling persons suffering loss from stock killed on the Hannibal and St. Joseph railroad, to prosecute their claims before a local justice of the peace, and making process served on the nearest agent of said railroad company, sufficient notice to the company, to bring the party into court; also, praying that said railroad company may be required to fence in its road. The petition was read for information and laid on the table.

Mr. BARR, Chairman of the Military Committee, presented the following report, with an accompanying ordinance:

MR. PRESIDENT: Your committee, to whom was referred the ordinance respecting the organization of the Missouri militia, have had the same under consideration, and beg leave to offer the following new ordinance, and respectfully recommend its adoption.

A. J. BARR,  
*Chairman of Committee.*

### AN ORDINANCE FOR THE ORGANIZATION AND GOVERNMENT OF THE MISSOURI MILITIA.

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:*

SECTION 1. All able-bodied male inhabitants of the State of Missouri shall be liable to military duty under this ordinance, except as is hereinafter provided, and, when organized, shall constitute and be known and designated as the "Missouri Militia."

SEC. 2. Persons over the age of forty-five years, and under the age of eighteen years; United States mail carriers, when actually employed as such; United States and State officers; one miller to each public mill, and an engineer for the same, when actually employed in said capacity; teachers of public schools; ministers of the gospel; regular practicing physicians and railroad employees, shall be exempt from duty in the militia, and

shall be entitled to and receive from the enrolling officer a certificate to that effect, on producing to said enrolling officer satisfactory evidence of their respective avocations or employments.

SEC. 3. There shall be an enrolling officer for each county, with the rank of a lieutenant, appointed by the commanding officer of each sub-district, whose duty it shall be to enroll all persons in said county, liable to do military duty, once in each year.

SEC. 4. The militia, as soon as enrolled, shall be organized into platoons, companies, regiments and brigades. A platoon shall be composed of not less than thirty-four nor more than fifty privates, two sergeants, four corporals, and one lieutenant. A company shall consist of the number of men, commissioned and non-commissioned officers, prescribed by the revised regulations of the army of the United States. A regiment shall consist of eight companies or more, with the number of field and staff officers prescribed by army regulations, for the particular branch of service to which it may be assigned. A brigade shall consist of three or more regiments.

SEC. 5. Platoons and companies, as soon as organized, shall elect their own officers, who shall, before being commissioned by the Governor, take and subscribe the oath prescribed in article —, section —, of the Constitution of the State of Missouri.

SEC. 6. The Governor shall nominate, and by and with the advice and consent of the Senate appoint, two brigadier generals, and as many colonels, lieutenant colonels and majors, as may be necessary for properly disciplining and governing the force organized under this ordinance: *Provided*, however, That the officers and men thus commissioned and organized shall not be entitled to nor receive any pay, rations or emoluments, when not in actual service.

SEC. 7. The part of the State north of the Missouri river, shall be known as the "First Military District," and the part of the State south of said river shall be known as the "Second Military District;" which shall be divided into such sub-districts as, in the judgment of the commander-in-chief, the good of the service may require.

SEC. 8. The staff of general officers shall be the same as for the time may be prescribed

by regulations of the United States army, or orders of the War Department, governing appointments of officers of the same grade in the United States service, all of whom shall be detailed from the line of the command of the officer to whose staff they are attached.

SEC. 9. The staff of the commander-in-chief shall be: an adjutant general, with the rank and pay of colonel of cavalry; a quartermaster general, an inspector general, and a commissary general, each with the rank and pay of a colonel of cavalry; a paymaster general, with the rank and pay of lieutenant colonel of infantry; a surgeon general, with the rank and pay of colonel of infantry; a judge advocate general, with the rank and pay of lieutenant colonel of infantry; three aides-de-camp, with the rank and pay of major of infantry. He may detail, from the line and field officers of any regiment, such officers as he may deem proper, and assign them to duty on his staff.

SEC. 10. It shall be lawful for the commander-in-chief to call into service such platoons, companies, or regiments, as the safety and peace of the State may require, and to issue such instructions as may be necessary to insure strict discipline and familiarity in drill.

SEC. 11. The publication of the proclamation of his excellency the Governor shall be deemed sufficient notice to all persons subject to military duty to report to their respective commanding officers for active service.

SEC. 12. The articles of war and army regulations, as published by authority of the War Department of the United States, shall be observed by the Missouri militia in every particular not otherwise provided by this ordinance; and the manner of drill shall be such as is prescribed in the tactics adopted by the United States army.

SEC. 13. Whenever the militia, or any part of it, is called into service, the inspector general, or his assistants, shall muster such force into the service on the rolls of the platoon, one of which rolls shall be retained by the commanding officer of the platoon, one copy shall be returned to the adjutant general of the State, and one copy to the district headquarters. He shall administer, to each platoon separately, the following oath: "You, and each of you, do solemnly swear that you will support, protect and defend the United States and the State of Missouri, and the constitution and laws thereof, against all their enemies; that you will assist in enforcing the laws, and will obey all lawful orders of the officers having authority to command you whilst in the service; so help you God." And any person, subject to military duty, who shall refuse to take said oath, shall be considered and treated as a prisoner of war.

SEC. 14. The physician, or surgeon, who shall be appointed by the surgeon general to examine persons claiming exemption, shall give to every person exempted by him a certificate, and shall return, to the office

of the adjutant of the district, within five days after the close of each of his sittings for that purpose, a complete list of all persons so exempted. The physician, or surgeon, so employed, shall receive the pay of a major of infantry while actually engaged in such service.

SEC. 15. Any physician, or surgeon, authorized by the provisions of this ordinance to issue certificates of exemption, who shall fraudulently issue any such certificates, shall be liable to a fine of not less than five hundred dollars, to be recovered by indictment before the circuit court of the proper county, except St. Louis county, where the indictment shall be before the criminal court.

SEC. 16. Every person who neglects or refuses to enroll himself shall pay the sum of twenty dollars, to be levied upon his goods and chattels, by order of the commanding officer of the district, and may be imprisoned, or put at hard labor, by said officer, until said fine is paid, and shall then be enrolled and assigned to such platoon or company as the commanding officer of the district may direct; and any person duly enrolled, and liable to militia service, who shall refuse or neglect to perform such service, shall pay a fine of five dollars per day for every day he fails to render such service, after having been thereto required by his officers; and in addition thereto, such delinquent shall be subject to arrest, trial and punishment, within the discretion of a court martial; and nothing in this section shall be construed to exempt any man from military service.

SEC. 17. The commanding officer of each platoon or company shall certify to the commanding officer of the battalion to which he is attached, a list of all persons liable to fine under the provisions of this ordinance, with the number of days each person has neglected or refused to do duty, which list shall be, by the commanding officer of the battalion, certified to the clerk of the circuit court of the county, ten days before the next term of the said court, who shall place a copy of said list in a conspicuous place in his office, at least five days before the first day of the term.

SEC. 18. It shall be lawful for the circuit court to render a judgment and award an execution against each person named in said lists for the sum due by him, and costs, which shall be collected as other fines. The sheriff of the county may collect all sums due in said lists before judgment, and shall pay over the same to the State treasury, to the credit of the Union military fund. He shall certify to the commanding officer of the district the names of all persons who fail to pay the amount stated against them in said lists, or who have no property whereof to levy such execution. And the commanding officer of the district shall arrest and put at labor the persons mentioned in the last-named lists, until the amounts due by them are paid. And it shall be the duty of the circuit attorney of the proper county to prosecute

all such matters as shall come before the said court by virtue of this section.

SEC. 19. The sum of fifty cents per day shall be reckoned to every person put at labor under the provisions of this ordinance, until the fine or penalty due by him is fully paid.

SEC. 20. The uniform of the Missouri militia shall be the same as prescribed by the United States army regulations for the army of the United States, until otherwise ordered by the commander-in-chief.

SEC. 21. All officers, when on duty, shall wear the uniform of their rank, and no person, not in the military service of the State or the United States, shall wear any insignia of rank, or any part of uniform, under a penalty of twenty dollars for every offense, to be recovered by suit and summary trial before any justice of the peace.

SEC. 22. The pay of the militia shall be the same, for officers and men, as allowed for the same by the United States to officers and soldiers, and fifty cents for each day's service of his horse, when he is mounted.

SEC. 23. All taxes levied and collected for military purposes, and all fines imposed upon militiamen by this ordinance; all proceeds of the sale of contraband or captured property, seized or captured by the militia, and all other appropriations and levies made for the benefit of the militia, shall likewise be paid into the treasury, to the credit of the Union military fund. Out of such fund shall be paid, first, all sums now due the enrolled Missouri militia for services rendered, and Union military bonds now outstanding or hereafter issued; and second, all expenses incurred according to law and audited by the proper officers, and appropriations for military purposes, as other claims against the State.

SEC. 24. The Governor of the State shall lay before the General Assembly, at each regular session thereof, a report of the moneys expended for militia purposes, and an estimate of the funds necessary for support of the militia for the next two years.

SEC. 25. The commander-in-chief may assign to duty as paymasters, such officers as may to him seem proper—not exceeding four in number—with the rank and pay of majors of infantry, and require them, before entering upon the discharge of the duties of their office, to execute a bond, in a sum and with such securities as he shall order, conditioned for the faithful performance of their duty.

SEC. 26. Any officer, civil or military, who may refuse to account for and pay over, according to law, any moneys or property coming to his hands, belonging to the militia fund, shall, upon conviction thereof, in the circuit or criminal court, on indictment, be sentenced to imprisonment in the penitentiary for a term of not less than five nor more than ten years.

SEC. 27. Courts martial shall be constituted and shall proceed in all cases, and be governed by the laws and regulations, as are prescribed for the United States army.

SEC. 28. The General Assembly of this State shall provide the ways and means for the payment of the Missouri militia.

SEC. 29. An act entitled "An act for the organization and government of the Missouri militia," approved February 10, 1865, and all other acts or parts of acts, inconsistent with the provisions of this ordinance, are hereby abrogated.

The ordinance was read the first and second time, and ordered to be printed.

On request of Mr. FLETCHER, leave of absence was granted him for five days.

Mr. STRONG, chairman of the Engrossing Committee, reported the article on Right of Suffrage as correctly engrossed.

On motion of Mr. GILSTRAP, the ordinance defining the number of judicial circuits of Missouri, was taken up.

Mr. GILSTRAP offered the following amendment thereto:

Amend the ordinance by striking out the second, third, fourth, fifth, sixth, and seventh organizations of judicial circuits, and insert the following:

**SECTION —.** The second judicial circuit shall consist of the counties of St. Charles, Warren, Montgomery, and Callaway; the third judicial circuit shall consist of the counties of Pike, Lincoln, Audrain, Boone, and Howard; the fourth judicial circuit shall consist of the counties of Marion, Lewis, Clark, Ralls, and Monroe; the fifth judicial circuit shall consist of the counties of Macon, Randolph, Adair, Schuyler, Knox, Scotland, and Schuyler; the sixth judicial circuit shall consist of the counties of —; the seventh judicial circuit shall consist of the counties of —; the eighth judicial circuit shall consist of the counties of —.

On motion of Mr. BARR, the ordinance on Judicial Circuits, with the amendment thereto offered by Mr. Gilstrap, was referred back to the Committee on Judicial Circuits.

Mr. WILLIAMS of Caldwell moved that the Committee on Districting the State into Judicial Circuits be discharged from the further consideration of the subject.

Mr. —— moved the previous question, which was sustained.

The question then being upon agreeing to the motion of Mr. Williams of Caldwell, he demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES** — Messrs. Barr, Bonham, Bunce, Childress, Clover, Dodson, D'Oench, Esther, Evans, Folmsbee, Fulkerson, Gilbert of Lawrence, Gilstrap, Holcomb, Holdsworth, Linton, McKernan, Mack, Meyer, Rankin, Rohrer, Smith of Mercer, Strong, Sutton, Swearingen, Switzler, Weatherby, Williams of Caldwell, and Mr. President—29.

**NOES**—Messrs. Adams, Bedford, Davis of Nodaway, Drake, Gamble, Holland, Hume, King, and McPherson—9.

**ABSENT WITH LEAVE**—Messrs. Bush, Fletcher, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—10.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Davis of New Madrid, Ellis, Filley, Grammer, Green, Henderson, Leonard, Martin, Nixdorf, Owens, Smith of Worth, and Williams of Scotland—13.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

So the motion was agreed to, and the committee discharged from further consideration of the subject of districting the State into judicial circuits.

On motion of Mr. STRONG, the article on Right of Suffrage, as reported back from the Engrossing Committee, was taken up.

Mr. FOLMSBEE offered the following amendment:

Amend section ninth by inserting, in the fifth line, after the word “to,” the words “teach or preach, or.”

On motion of Mr. DRAKE, the Convention adjourned until half-past 2 o'clock P. M.

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#### AFTERNOON SESSION.

The Convention met pursuant to adjournment, the Vice President in the chair.

On motion of Mr. FOLMSBEE, a call of the house was ordered, and the following members responded to their names:

Messrs. Adams, Barr, Bonham, Bunce, Childress, Davis of Nodaway, Dodson, Drake, Ellis, Esther, Evans, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Holcomb, Holdsworth, Holland, Hume, King, Leonard, Linton, McKernan, McPherson, Mack, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Sutton, Weatherby, Williams of Caldwell, and Williams of Scotland—33.

**ABSENT WITH LEAVE**—Messrs. Fletcher, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Budd, Bush, Clover, Davis of New Madrid, D’Oench, Filley, Gilstrap, Grammer, Green, Henderson, Martin, Meyer, Nixdorf, Owen, Strong, Swearingen, Switzer, and Mr. President—19.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

A quorum being present, on motion of Mr. FOLMSBEE, further proceedings under the call were dispensed with.

On motion of Mr. MACK, leave of absence was granted to Mr. Rankin for ten days.

The article on the Right of Suffrage was taken up; and the question being on the adoption of Mr. Folmsbee’s amendment to section nine, by inserting in the fifth line, after the word “to,” the words “teach or preach, or,” Mr. HOLCOMB demanded the ayes and noes thereon; and the vote being taken, stood as follows :

**AYES**—Messrs. Adams, Bonham, Bunce, Childress, Davis of Nodaway, Dodson, Ellis, Esther, Evans, Folmsbee, Gilbert of Lawrence, Holcomb, Holdsworth, Holland, Hume, Leonard, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Weatherby, Williams of Caldwell, and Williams of Scotland—25.

**NOES**—Messrs. Barr, Drake, Fulkerson, Gamble, Henderson, King, Linton, McPherson, Swearingen, and Switzer—10.

**ABSENT WITH LEAVE**—Messrs. Bush, Fletcher, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—10.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Budd, Clover, Davis of New Madrid, D’Oench, Filley, Gilstrap, Grammer, Green, McKernan, Mack, Martin, Meyer, Nixdorf, Owens, and Mr. President—16.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

So the amendment was adopted.

Mr. EVANS offered the following amendment:

Amend section eighteenth by striking out the following words: “and every male person of foreign birth, who may have declared his intention to become a citizen of the United States, according to law, not less than one year, nor more than five years, before he offers to vote, who is.”

Mr. HOLCOMB moved the previous question, which was sustained.

The question then being on the adoption of the amendment of Mr. Evans, Mr. BONHAM demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bunce, Childress, Esther, Evans, Gamble, Hume, Mack, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, Switzer, and Williams of Scotland—14.

**NOES**—Messrs. Barr, Bonham, Davis of Nodaway, Dodson, Drake, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, King, Leonard, Linton, McKernan, McPherson, Meyer, Rohrer, Smith of Worth, Weatherby, and Williams of Caldwell—22.

**ABSENT WITH LEAVE**—Messrs. Bush, Fletcher, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—10.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Budd, Clover, Davis of New Madrid, D'Oench, Ellis, Filley, Gilstrap, Grammer, Green, Martin, Nixdorf, Owens, and Mr. President—15.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

So the amendment was rejected.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section one by striking out the word “twentieth,” and inserting in lieu thereof the word “twenty-first.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend, on page six, line ten, by striking out the word “said.”

Mr. STRONG offered the following amendment, which was adopted:

Amend, on page nine, line thirteen, by inserting the word “white” before the word “male.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend, on page ten, line four, by striking out the word “twentieth,” and inserting in lieu thereof the word “twenty-first.”

Mr. DRAKE offered the following amendment, which was read:

Amend, on page three, lines eighteen, nineteen, twenty, and twenty-one, by striking out the words “or in any common or other schools; or of holding any real estate or other property in trust for the use of any church, religious society, or congregation;” and inserting in lieu thereof the words “incorporated by or under any law of this State; or of teaching in any common or other school, which is sustained, in whole or in part, by funds provided by law.”

Mr. DRAKE moved the previous question, which was sustained.

The question then being on adopting the amendment of Mr. Drake, Mr. HOLLAND demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bouham, Bush, Clover, Davis of Nodaway, Drake, Evans, Gamble, Henderson, Linton, McKernan, McPherson, Meyer, Rohrer, and Switzler—14.

**NOES**—Messrs. Barr, Bunee, Childress, Dodson, Esther, Folmsbee, Fulkerson, Gilbert of Lawrence, Holcomb, Holdsworth, Holland, Hume, King, Leonard, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland—22.

**ABSENT WITH LEAVE**—Messrs. Fletcher, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Budd, Davis of New Madrid, D'Oench, Ellis, Filley, Gilstrap, Grammer, Green, Mack, Martin, Nixdorf, Owens, Rankin, and Mr. President—16.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

So the amendment was not adopted.

On motion of Mr. DRAKE, the article on Right of Suffrage was read the third time, and the question being upon its adoption, Mr. DRAKE demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Bunee, Childress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland—30.

**NOES**—Messrs. Bedford, Bush, Holcomb, Linton, Meyer, Rohrer, and Switzler—7.

**ABSENT WITH LEAVE**—Messrs. Evans, Fletcher, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—10.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, D'Oench, Ellis, Filley, Gilstrap, Grammer, Green, Martin, Nixdorf, Owens, Rankin, and Mr. President—14.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

So the article was adopted and referred to the Revising Committee.

Mr. HOLCOMB moved to adjourn, on which motion Mr. DAVIS of Nodaway demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Holcomb, Meyer, Rohrer, Smith of Mercer, Smith of Worth, and Switzler—7.

**NOES**—Messrs. Barr, Bonham, Bunee, Childress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Leonard, Linton, McKernan, McPherson, Mack, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland—28.

**ABSENT WITH LEAVE**—Messrs. Evans, Fletcher, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—10.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Bush, Davis of New Madrid, D'Oench, Ellis, Filley, Folmsbee, Gilstrap, Grammer, Green, Martin, Nixdorf, Owens, Rankin, and Mr. President—16.

**SICK**—Messrs. Cowden, Mitchell, and Peck—3.

So the Convention refused to adjourn.

On motion of Mr. DRAKE, the article on Declaration of Rights was taken up.

Mr. LINTON moved to amend the same by striking out section thirteen.

Mr. WEATHERBY moved the previous question, which was sustained.

The vote was then taken on Mr. Linton's

motion to strike out section thirteen, and the motion was rejected.

Mr. ROHRER moved a call of the house, which was not sustained.

Mr. WEATHERBY called up his resolution providing for night sessions; pending the consideration of which, on motion of Mr. DRAKE, the Convention adjourned until Monday morning next at 9 o'clock.

## SEVENTY-SECOND DAY.

MONDAY, APRIL 3d, 1865.

Convention met pursuant to adjournment, the Vice President in the chair.

Mr. STRONG, chairman of the Engrossing Committee, reported the article on Legislative Department correctly engrossed.

Mr. GILSTRAP, from the Committee on the Judicial Department, made the following report:

**MR. PRESIDENT:** The Committee on the Judiciary, having had the ordinance under consideration entitled "An ordinance providing for the punishment of crimes," the majority of the committee have instructed me to report the same back and recommend its passage. The ordinance has been printed and laid upon the table of members for several days, and must be fully understood; to which consideration the committee refer the argument in support of this ordinance. All of which is respectfully submitted.

A. L. GILSTRAP, *Acting Chairman.*

The ordinance referred to is set forth at large in the journal of the sixtieth day.

On motion of Mr. SMITH of Mercer, the article on Education was taken up.

Mr. SMITH of Mercer offered the following amendment thereto :

Amend by striking out section two, and insert, as a substitute, the following: White children, and children of African descent, shall not be taught in the same schools; but separate schools may be established for children of African descent. All funds provided for the support of public schools shall be appropriated in proportion to the number of children between the ages of five and twenty-one years, without regard to color.

Upon this question Mr. DRAKE demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Bunce, Childress, Dodson, Esther, Folmsbee, Fulkerson, Gamble,

Gilstrap, Holdsworth, McPherson, Mack, Smith of Mercer, Strong, Sutton, Swearingen, and Switzler—16.

**NOES**—Messrs. Bonham, Budd, Bush, Davis of Nodaway, Drake, Filley, Gilbert of Lawrence, Henderson, Holcomb, Holland, Hume, King, Leonard, McKernan, Meyer, Rohrer, Smith of Worth, Weatherby, Williams of Caldwell, and Williams of Scotland—20.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Husmann, Morton, Newgent, Nixdorf, Rankin, St. Gem, and Thilenius—10.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Clover, Davis of New Madrid, D'Oench, Fletcher, Grammer, Green, Hughes, Linton, Martin, Owens, and Mr. President—13.

**SICK**—Messrs. Barr, Cowden, Ellis, Mitchell, and Peck—5.

So the amendment was rejected.

Mr. BONHAM offered the following as a new section:

In case the public school fund shall be insufficient to support a free school at least six months in each school year, in the several school districts in this State, the Legislature shall provide by law for the raising of such deficiency by taxation on all the taxable property in each county, municipal township, or school district, as they shall deem proper.

On which, Mr. BONHAM demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Bush, Childress, Davis of Nodaway, Drake, Filley, Fulkerson, Gilbert of Lawrence, Holcomb, McKernan, Smith of Worth, Strong, and Weatherby—13.

**NOES**—Messrs. Budd, Bunce, Dodson, D'Oench, Esther, Folmsbee, Gamble, Gilstrap, Henderson, Holdsworth, Holland, Hume, King, Leonard, McPherson, Mack, Rohrer, Smith of Mercer, Sutton, Swearin-

gen, Switzler, Williams of Caldwell, and Williams of Scotland—23.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Husmann, Morton, Newgent, Nixdorf, Rankin, St. Gem, and Thilenius—10.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Clover, Davis of New Madrid, Fletcher, Grammer, Green, Hughes, Linton, Martin, Meyer, Owens, and Mr. President—13.

**SICK**—Messrs. Barr, Cowden, Ellis, Mitchell, and Peck—5.

So the new section was rejected.

Mr. Gamble was appointed on the Engrossing Committee in place of Mr. Husmann.

Mr. STRONG offered the following amendment:

Add, as a new section, the following: In case the public school fund shall be insufficient to sustain a free school at least four months in every year, in each school district in this State, the General Assembly may provide, by law, for the raising of such deficiency, by levying a tax on all the taxable property in each county, township, or school district, as they may deem proper.

Mr. SMITH of Mercer demanded the previous question, which was sustained.

The question then being on the adoption of the new section offered by Mr. Strong, Mr. BONHAM demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Childress, Davis of Nodaway, Drake, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Holcomb, Holdsworth, McKernan, McPherson, Mack, Smith of Worth, Strong, Sutton, Swearingen, Switzler, Weatherby, and Williams of Caldwell—21.

**NOES**—Messrs. Budd, Bunce, Bush, Dodson, D’Oench, Esther, Gilstrap, Henderson, Holland, Hume, King, Leonard, Rohrer, Smith of Mercer, and Williams of Scotland—13.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, Rankin, St. Gem, and Thilenius—11.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Clover, Davis of New Madrid, Fletcher, Grammer, Green, Linton, Martin, Meyer, Owens, and Mr. President—12.

**SICK**—Messrs. Barr, Cowden, Ellis, Mitchell, and Peck—5.

So the new section was adopted.

The fall of Richmond being announced by Mr. Drake, Mr. LINTON moved to adjourn, on which motion Mr. BONHAM demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Budd, Bush, Dodson, D’Oench, Esther, Folmsbee, Henderson, Holdsworth, Leonard, Linton, Rohrer, Smith of Mercer, Smith of Worth, Swearingen, and Switzler—15.

**NOES**—Messrs. Bonham, Bunce, Childress, Clover, Davis of Nodaway, Drake, Filley, Fulkerson, Gamble, Gilbert of Lawrence, Holcomb, Holland, Hume, King, McPherson, Mack, Strong, Sutton, Weatherby, Williams of Caldwell, and Williams of Scotland—21.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, McKernan, Morton, Newgent, Nixdorf, Rankin, St. Gem, and Thilenius—12.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Fletcher, Gilstrap, Grammer, Green, Martin, Meyer, Owens, and Mr. President—11.

**SICK**—Messrs. Barr, Cowden, Ellis, Mitchell, and Peck—5.

So the Convention refused to adjourn.

Mr. GILSTRAP declined serving on the Finance Committee.

Mr. SMITH of Worth called up the amendment offered by him on Friday, to strike out the first clause of section seven, down to the word “the,” in the fourth line.

The substitute for the same, offered by Mr. Krekel, was declared out of order.

The question then being on the amendment of Mr. Smith of Worth, he demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, Childress, Esther, Gilbert of Lawrence, Gilstrap, Henderson, Linton, Mack, Smith of Mercer, Smith of Worth, Sutton, Swearingen, Switzler, Weatherby, Williams of Caldwell, and Williams of Scotland—16.

**NOES**—Messrs. Bonham, Budd, Bunce, Clover, Davis of Nodaway, D’Oench, Drake, Filley, Fulkerson, Gamble, Holcomb, Holland, Hume, King, Leonard, McKernan, McPherson, Rohrer, and Strong—19.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Martin, Morton, Newgent, Nixdorf, Rankin, St. Gem, and Thilenius—12.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, Dodson, Fletcher, Folmsbee, Grammer, Green, Holdsworth, Meyer, Owens, and Mr. President—12.

**SICK**—Messrs. Barr, Cowden, Ellis, Mitchell, and Peck—5.

So the amendment was rejected.

Mr. BONHAM moved to strike out the word “four,” and insert the word “three,” in section seven, line three; which was adopted.

Mr. HOLCOMB offered the following amendment, which was adopted:

Amend by inserting "State or" between the words "the" and "United States," in third line.

Mr. WEATHERBY moved to adjourn, on which motion Mr. HOLLAND demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Bush, Folmsbee, Henderson, Holdsworth, Linton, Rohrer, Smith of Mercer, Switzler, and Weatherby—10.

**NOES**—Messrs. Bonham, Budd, Bunce, Childress, Clover, Davis of Nodaway, Dodson, D'Oench, Drake, Esther, Filley, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Holcomb, Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Smith of Worth, Strong, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—29.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, Rankin, St. Gem, and Thilenius—11.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Davis of New Madrid, Fletcher, Grammer, Green, Martin, Meyer, Owens, and Mr. President—9.

**SICK**—Messrs. Barr, Cowden, Ellis, Mitchell, and Peck—5.

So the Convention refused to adjourn.

Mr. HOLCOMB offered the following amendment:

Amend section eight by striking out all after the word "for," in the fourth line, up to the word "and," in the seventh line; and insert the word "shall," between the words "and" and "make," in the seventh line.

On this question Mr. BONHAM demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Bunee, Bush, Dodson, Esther, Fulkerson, Gamble, Holcomb, Holdsworth, Hume, Leonard, Linton, Rohrer, Smith of Mercer, Smith of Worth, Swearingen, Williams of Caldwell, and Williams of Scotland—17.

**NOES**—Messrs. Bedford, Bonham, Budd, Childress, Clover, Davis of Nodaway, Drake, Filley, Folmsbee, Gilbert of Lawrence, Henderson, Holland, King, McKernan, McPherson, Mack, Strong, Sutton, Switzler, and Weatherby—29.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, Rankin, St. Gem, and Thilenius—11.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Davis of New Madrid, D'Oench, Fletcher, Gilstrap, Grammer, Green, Martin, Meyer, Owens, and Mr. President—11.

**SICK**—Messrs. Barr, Cowden, Ellis, Mitchell, and Peck—5.

So the amendment was not agreed to.

On motion of Mr. WEATHERBY, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. DRAKE, chairman of the Revising Committee, made the following report:

**MR. PRESIDENT**: The Revising Committee, to whom was referred the title of the Constitution, beg leave to report the same back without amendment.

C. D. DRAKE, *Chairman.*

The title was then put on its final reading, and was adopted and ordered to be enrolled as a part of the Constitution.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved*, That the ordinance passed by this Convention, entitled "An ordinance to protect emancipated negroes from apprenticeship," be enrolled and signed by the President, and attested by the Secretary, and deposited in the office of the Secretary of State.

Mr. DRAKE, Chairman of the Revising Committee, made the following report:

**MR. PRESIDENT**: The Revising Committee, to whom was referred the article on the Right of Suffrage, beg leave to report the same back without amendment.

C. D. DRAKE, *Chairman.*

Mr. LINTON offered the following amendment to said article:

Insert, after the word "law," in the fourth line of ninth section, "nor publish or edit a newspaper; nor pursue any avocation requiring the license of this State, or of the United States."

Mr. DRAKE moved to reject the amendment, and demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Budd, Bunce, Childress, Clover, Davis of Nodaway, Dodson, Drake, Filley, Fulkerson, Gilbert of Lawrence, Henderson, Hume, King, Leonard, McKernan, McPherson, Mack, Rankin, Strong, Sutton, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—25.

**NOES**—Messrs. Esther, Gamble, Holcomb, Holdsworth, Holland, Linton, Rohrer, Smith of Mercer, Smith of Worth, and Swearingen—10.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—10.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Bonham, Bush, Davis of New Madrid, D’Oench, Fletcher, Folmsbee, Gilstrap, Grammer, Green, Martin Meyer, Owens, and Switzler—15.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the amendment was rejected.

Mr. DRAKE moved that the article on the Right of Suffrage be enrolled as a part of the Constitution, and moved the previous question thereon, which was sustained.

The question then being on the enrollment of said article, Mr. DAVIS of Nodaway demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Budd, Bunee, Childress, Davis of Nodaway, Dodson, Drake, Esther, Filley, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Rankin, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland—23.

**NOES**—Messrs. Clover, Gamble, Gilstrap, Holecomb, Linton, Rohrer, Smith of Mercer, and Mr. President—8.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Grammer, Green, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—12.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Bonham, Bush, Davis of New Madrid, D’Oench, Fletcher, Folmsbee, Martin, Meyer, Owens, and Switzler—12.

So the article was ordered to be enrolled as a part of the Constitution.

On motion of Mr. DRAKE, the article on Legislative Department was taken up.

Mr. DRAKE offered the following amendment, which was adopted:

Amend, on page one, line six, by inserting the word “and” before the word “appointed.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend, on page two, lines twenty and twenty-one, by striking out the words “shall constitute a senatorial district, and shall.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend, on page seven, line twelve, by inserting, after the word “nays,” the words “shall be taken thereon, and.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend, on page eight, line ten, by inserting the word “a” before the word “general,” where it first occurs therein.

Mr. DRAKE offered the following amendment, which was adopted:

Amend, on page nine, lines twenty and twenty-one, by striking out the words “a majority of all the members elected to both houses concur in fixing a different day by law,” and inserting in lieu thereof the words “a different day be fixed by law.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend, on page nine, line twenty-four, by striking out the words “the State of Missouri,” and inserting in lieu thereof the words “this State.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend section thirtieth by adding thereto the following: But if any subject embraced in an act be not expressed in the title, such act shall be void only as to so much thereof as is not so expressed.

Mr. DRAKE offered the following amendment, which was adopted:

Amend by inserting the following section, next after section twenty-third:

Sec. —. No act shall be revived or re-enacted by mere reference to the title thereof; nor shall any act be amended by providing that designated words thereof shall be struck out, and others inserted in lieu thereof; but in every such case the act revived and re-enacted, or the act or part of act amended, shall be set forth and published at length, as if it were an original act or provision.

Mr. WILLIAMS of Caldwell offered the following amendment, which was rejected:

When the county court of any county shall have districted such county, such act of districting shall be adopted by a vote of the qualified voters of the county, before such act shall become a law.

Mr. DRAKE moved that the article on the Legislative Department be read the third time; and the question being on its adoption, he demanded the ayes and noes thereon, which being taken, the vote stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunee, Childress, Clover, Davis of Nodaway, Drake, Esther, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Leonard, McPherson, Mack, Rankin, Rohrer, Strong, Sutton, Weatherby, Williams of Caldwell, and Williams of Scotland—29.

**NOES**—Messrs. Dodson, Gilstrap, Holecomb, Smith of Worth, Swearingen, Switzler, and Mr. President—7.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—10.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Bush, Davis of New Madrid, D’Oench, Fletcher, Grammer, Green, Lin-

ton, McKernan, Martin, Meyer, Owens, and Smith of Mercer—14.

SICK—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the article was adopted and referred to the Revising Committee.

On motion of Mr. STRONG, leave was granted to Mr. Folsom to record his vote on the article on the Right of Suffrage; and thereupon he voted aye.

Mr. SMITH of Worth offered an ordinance on suffrage and disfranchisement, providing for the disfranchisement of disloyal persons.

Mr. DRAKE moved that the ordinance be rejected, and, on his motion, demanded the ayes and noes; and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bonham, Budd, Bunce, Clover, Davis of Nodaway, Drake, Esther, Filley, Folsom, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Leonard, Linton, McKernan, McPherson, Maek, Rankin, Strong, Sutton, Swearingen, Weatherby, Williams of Scotland, and Mr. President—31.

NOES—Messrs. Dodson, Gilstrap, Holcomb, Rohrer, Smith of Mercer, Smith of Worth, and Williams of Caldwell—7.

ABSENT WITH LEAVE—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—10.

ABSENT WITHOUT LEAVE—Messrs. Adams, Bedford, Bush, Childress, Davis of New Madrid, D’Oench, Fletcher, Grammer, Green, Martin, Meyer, and Owens—12.

SICK—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the ordinance was rejected.

On motion of Mr. DRAKE, the article on Declaration of Rights, offered by him, was taken up.

Mr. WILLIAMS of Scotland offered the following amendment:

Amend by striking out the ninth section, and inserting the following in lieu thereof: That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, nor be disqualified as a witness; and that no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice; unless, under the color of religion, he disturb the good order, or the peace or safety of the State, or infringe the laws of morality, or injure others in their natural, civil, or religious rights.

On this question Mr. WILLIAMS of Scotland demanded the ayes and noes; and the vote being taken, stood as follows:

AYES—Messrs. Davis of Nodaway, Mack, Rankin, Smith of Mercer, Smith of Worth, Strong, Switzler, Weatherby, and Williams of Scotland—9.

NOES—Messrs. Barr, Bonham, Budd, Bunce, Bush, Childress, Clover, Dodson, Drake, Esther, Filley, Folsom, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Henderson, Holcomb, Holdsworth, Holland, Hume, King, Leonard, Linton, McKernan, McPherson, Rohrer, Sutton, Swearingen, Williams of Caldwell, and Mr. President—31.

ABSENT WITH LEAVE—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—10.

ABSENT WITHOUT LEAVE—Messrs. Adams, Bedford, Davis of New Madrid, D’Oench, Fletcher, Grammer, Green, Martin, Meyer, and Owefs—10.

SICK—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the amendment was rejected.

Mr. GILSTRAP offered the following amendment:

Amend Bill of Rights by striking out the third section, and insert as follows:

SEC. 3. That no person of African descent can be disqualified as a witness, in any case in which such persons shall be parties to the action, or the party or parties injured; nor disabled to contract, except in the case of marriage with white persons; nor prevented from acquiring, holding, and transmitting property.

Pending which, Mr. BONHAM moved to adjourn; which motion was not agreed to.

Mr. DRAKE moved the previous question, which was sustained.

The question then recurring on Mr. Gilstrap’s amendment, it was rejected.

Mr. DRAKE moved that the article on Declaration of Rights be engrossed for a third reading, and called for the previous question, which was sustained.

The question being on the engrossment of the article on Declaration of Rights, introduced by Mr. Drake, Mr. GILSTRAP demanded the ayes and noes thereon; and the vote being taken, stood as follows:

AYES—Messrs. Bonham, Budd, Bunce, Childress, Clover, Davis of Nodaway, Drake, Filley, Folsom, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holcomb, Holland, Hume, King, Leonard, McPherson, Maek, Rankin, Rohrer, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—29.

**NOES**—Messrs. Dodson, Esther, Gilstrap, Linton, McKernan, Smith of Mercer, and Switzler—7.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Hinsmann, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—10.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Barr, Bedford, Bush, Davis of New Madrid, D’Oench, Fletcher, Grammer, Green, Holdsworth, Martin, Meyer, Owens, and Smith of Worth—14.

So the article was ordered to be engrossed for a third reading.

On motion, the Convention adjourned until 9 o’clock to-morrow morning.

## SEVENTY-THIRD DAY.

TUESDAY, APRIL 4th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Mr. SMITH of Worth offered the following resolution:

*Resolved*, That the President appoint a committee of nine, one from each congressional district, to prepare and report to this body, at an early day, an ordinance to protect the purity of the ballot-box.

Mr. HOLDSWORTH offered the following amendment to said resolution:

Strike out “one from each congressional district,” and insert “the gentleman from Worth.”

The President declared the amendment out of order.

Mr. DRAKE moved to lay the resolution on the table, and on this motion demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Davis of Nodaway, Drake, Esther, Fulkerson, Gilbert of Lawrence, Henderson, Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Rankin, Strong, Sutton, and Weatherby—22.

**NOES**—Messrs. Bedford, Bush, Dodson, D’Oench, Folmsbee, Holcomb, Holdsworth, Linton, Martin, Rohrer, Smith of Mercer, Smith of Worth, Swearingen, Switzler, Williams of Caldwell, Williams of Scotland, and Mr. President—17.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Hinsmann, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—10.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Clover, Davis of New Madrid, Filley, Fletcher, Gamble, Gilstrap, Grammer, Green, Meyer, and Owens—11.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the resolution was laid on the table.

Mr. BUSH offered the following amendment to the forty-fourth rule, which was read and laid over.

SEC. 4. Amend the amended rule forty-fourth, by striking out the words “a majority of the members present,” and insert in lieu thereof “a majority of all the members elected to the Convention.”

Mr. BUDD, chairman of the Committee on Finance, made the following report, with accompanying article, which article was read the first and second time, laid on the table, and ordered to be printed:

### SUPPLEMENTARY REPORT OF COMMITTEE ON FINANCE.

The committee to whom was referred back the original draft of the article on State Indebtedness, together with a pending amendment before the Convention, have given the matter referred to them that consideration which the importance of the subject demands; and submit, for the consideration of the Convention, the following article on State Indebtedness.

GEO. K. BUDD, *Chairman.*

#### ARTICLE I.

##### Railroad Indebtedness.

SECTION I. The Pacific Railroad Company and Southwest Branch, the North Missouri Railroad Company, the St. Louis and Iron Mountain Railroad Company, are hereby required to pay an annual tax of ten per cent. on all their gross receipts for freight and passengers, except on transportation for the government of the United States, and may deduct out of the same the United States tax; and this tax of ten per cent. shall begin on the first day of October, 1865, and be continued until the first day of October, 1867, and be paid quarterly; and from and after the first of October, 1867, the said railroad companies shall pay an annual tax of

fifteen per cent. on their gross receipts, as aforesaid; said taxes to be paid quarterly. The money received from the tax aforesaid shall be paid into the State treasury, and shall be appropriated, by law, for the purpose of paying the interest coupons, and interest thereon, and principal of the bonds of the State, or guaranteed by the State, issued to the aforesaid railroad companies. The General Assembly shall provide, by law, the manner in which the said bonded indebtedness shall be paid from the money received from the tax on said roads.

SEC. 2. This tax shall cease when the bonded indebtedness of the State, issued to the several railroad companies named in article first, is fully liquidated.

SEC. 3. In the event of the Hannibal and St. Joseph Railroad Company failing to pay, when due, the interest and principal of the State bonds issued to said company, then the tax levied on the railroads named in section one shall be levied and collected from the Hannibal and St. Joseph Railroad Company.

SEC. 4. In the event of any railroad company, hereinbefore named, failing to pay the tax imposed, then it shall be the duty of the Governor to advertise for sale the railroad delinquent in paying the tax; and the Governor may sell the railroad to third parties, or he may purchase the railroad for the State, if he deems it expedient for the interest of the State.

SEC. 5. In the event of the railroads being sold, and purchased by third parties, and the bonded indebtedness of the State shall continue, then a tax of one-quarter of one per cent. on all the real and personal property of the State, taxable by law, shall be levied and collected, until the whole bonded indebtedness of the State shall be paid.

SEC. 6. It shall be the duty of the collectors of taxes of the several counties to receive for taxes, when tendered, twenty-five per cent., in defense warrants, of all taxes due, or hereafter to become due, except taxes set apart to pay the military debt of the State; and this twenty-five per cent. in defense warrants shall be received until all the defense warrants shall be liquidated.

Mr. BONHAM offered the following ordinance, which was read the first and second time, and laid over under the rule:

**ORDINANCE FOR PAYING MEMBERS, OFFICERS, AND OTHERS, OF THE MISSOURI STATE CONVENTION.**

*Be it ordained by the People of Missouri, in Convention assembled:*

**SECTION 1.** There is hereby appropriated, out of any money in the State treasury not otherwise appropriated, twenty thousand dollars, for the payment of members, officers, and others, of the Missouri State Convention.

SEC. 2. The State treasurer is hereby authorized to pay to Ferdinand Meyer, chairman of the Committee on Accounts of

this Convention, said twenty thousand dollars, taking his receipt therefor.

SEC. 3. The auditor of the State is hereby authorized to audit the accounts of Ferdinand Meyer, a member of this Convention, for all moneys paid to members, officers, and others, and report the action of this Convention to the Legislature, at its session to be held in November, 1865.

Mr. STRONG, from the Engrossing Committee, reported back the article on Declaration of Rights, as truly engrossed.

Mr. STRONG, from the Engrossing Committee, reported back the article on the Mode of Amending the Constitution, as truly engrossed.

Mr. DRAKE moved that the article on Declaration of Rights be taken up; on which motion he demanded the previous question, which was sustained.

The question then being on the adoption of the Declaration of Rights, Mr. DRAKE demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Bush, Childress, Davis of Nodaway, Drake, Esther, Filley, Folmshee, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Leonard, McPherson, Mack, Martin, Meyer, Rankin, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—31.

**NOES**—Messrs. Dodson, D’Oench, Linton, McKernan, Rohrer, Smith of Mercer, Smith of Worth, and Switzler—8.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, and Thilefius—10.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Clover, Davis of New Madrid, Fletcher, Gamble, Gilstrap, Grammer, Green, Holecomb, and Owens—11.

So the article was adopted, and, under the rule, referred to the Revising Committee.

Mr. DRAKE moved to take up the article on the Mode of Amending and Revising the Constitution, which was agreed to.

Mr. BUSH offered the following amendment thereto, which was adopted:

Amend by striking out, in section three, in lines fourteen and fifteen, the words “on the fourth Wednesday succeeding their election;” and insert, in line fifteen, after the word “such,” the words “time and;” and by striking out, in line sixteen, the words “in such manner as they may determine upon.”

Mr. BUSH offered the following amendment, which was rejected:

Amend further by striking out the words "not less than sixty nor more than ninety days after that on which it shall have been adopted by the Convention," in lines nineteen and twenty.

Mr. DRAKE moved the adoption of the article on the Mode of Amending the Constitution.

On this motion Mr. BARR demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunee, Bush, Clover, Davis of Nodaway, Dodson, Drake, Esther, Filley, Fohmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holecomb, Holdsworth, Holland, Hume, King, Linton, McKernan, McPherson, Mack, Meyer, Rankin, Smith of Mercer, Swearingen, Switzler, and Williams of Caldwell, and Williams of Scotland—35.

**NOES**—None.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, Thilenius, and Mr. President—11.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Childress, Davis of New Madrid, D'Oench, Fletcher, Gamble, Gilstrap, Grammer, Green, Leonard, Owens, Rohrer, Smith of Worth, and Sutton—14.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the article was adopted, and, under the rule, referred to the Revising Committee.

Mr. DRAKE moved to take up the article on the Judicial Department, which was agreed to.

Mr. STRONG offered the following amendment thereto, which was adopted:

Amend section eighteen by inserting, after the word "been," in the fifth line of page eighth, engrossed bill, the following words: "a citizen of the United States five years, and."

Mr. DRAKE offered the following amendment, which was adopted:

Amend section three by inserting the word "other" before the word "original."

Mr. DRAKE offered the following amendment, which was adopted:

Amend page six, line eighteen of said page, by inserting, after the word "judges," the words "of the circuit court of the county of St. Louis."

Mr. SMITH of Mercer offered the following amendment:

Amend section fourteen by striking out the words "not exceeding sixteen."

On this question Mr. BONHAM demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bunee, Bush, Childress, Clover, Dodson, Drake, Esther, Fohmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holecomb, Holdsworth, Holland, Hume, King, Linton, McKernan, McPherson, Mack, Meyer, Rankin, Smith of Mercer, Swearingen, Switzler, and Williams of Caldwell—27.

**NOES**—Messrs. Bonham, Budd, Davis of Nodaway, Martin, Strong, Weatherby, and Williams of Scotland—7.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, Thilenius, and Mr. President—11.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, D'Oench, Filley, Fletcher, Gamble, Gilstrap, Grammer, Green, Leonard, Owens, Rohrer, Smith of Worth, and Sutton—15.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the amendment was adopted.

On motion of Mr. GILBERT of Lawrence, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. DRAKE, chairman of the Revising Committee, presented the following report:

**MR. PRESIDENT:** The Revising Committee, to whom was referred the article entitled Declaration of Rights, beg leave to report the same back without amendment.

C. D. DRAKE, *Chairman.*

Which was read and adopted.

Mr. DRAKE, chairman of the Revising Committee, presented the following report:

**MR. PRESIDENT:** The Revising Committee, to whom was referred the article on the Mode of Amending and Revising the Constitution, beg leave to report the same back without amendment.

C. D. DRAKE, *Chairman.*

Which was read and adopted.

Mr. DRAKE moved that the article on Judicial Department be enrolled as a part of the Constitution.

On which motion Mr. BONHAM demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Bunee, Childress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Filley, Fulkerson, Gilbert of Lawrence, Henderson, Holecomb, Holdsworth,

Holland, Hume, King, McKeruan, McPherson, Mack, Martin, Rankin, Sutton, Swearingen, Weatherby, and Williams of Scotland—26.

**NOES**—Messrs. Bonham, Smith of Worth, and Mr. President—3.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Barr, Budd, Bush, Davis of New Madrid, D’Oench, Fletcher, Folmsbee, Gamble, Gilstrap, Grammer, Green, Leonard, Linton, Meyer, Nixdorf, Owens, Rohrer, Smith of Mercer, Strong, Switzler, and Williams of Caldwell—22.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

No quorum being present, Mr. DRAKE moved a call of the house, which was ordered, and the following members responded to their names:

Messrs. Bedford, Bonham, Bunce, Childress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Filley, Fulkerson, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, Hume, King, McKernan, McPherson, Mack, Martin, Rankin, Swearingen, Weatherby, Williams of Scotland, and Mr. President—27.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Barr, Budd, Bush, Davis of New Madrid, D’Oench, Fletcher, Folmsbee, Gamble, Gilstrap, Grammer, Green, Leonard, Linton, Meyer, Nixdorf, Owen, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Switzler, and Williams of Caldwell—24.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

Members having come in, and a quorum being present, on motion of Mr. MACK, further proceedings under the call were dispensed with.

Mr. DRAKE moved that the article on the Judicial Department be enrolled as a part of the Constitution.

On this motion Mr. BONHAM demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bedford, Budd, Bunce, Childress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Filley, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, Hume, King, Linton, McKernan, McPherson, Mack, Martin, Rankin, Rohrer, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland—32.

**NOES**—Messrs. Bonham, Smith of Worth, and Mr. President—3.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bush, Davis of New Madrid, D’Oench, Fletcher, Gamble, Gilstrap, Grammer, Green, Leonard, Meyer, Nixdorf, Owens, Smith of Mercer, Strong, and Switzler—16.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the article was ordered to be enrolled as a part of the Constitution.

Upon motion of Mr. SMITH of Worth, the article on Education, with pending amendments thereto, was taken up.

Mr. GILBERT of Lawrence offered the following amendment:

Add to section seventh the following: Nothing herein contained shall be so construed as to prohibit those counties, townships, and school districts, now depopulated in consequence of the present rebellion, from receiving their share of the public school funds, when they shall have been re inhabited, that may be due them since the year 1861.

Which was disagreed to.

Mr. SMITH of Worth offered the following amendment:

Strike out all after the word “for” in fourth line of the eighth section.

On this amendment Mr. HOLCOMB demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bush, Dodson, Fulkerson, Gilbert of Lawrence, Holcomb, Holdsworth, Leonard, Linton, Martin, Rohrer, Smith of Mercer, Smith of Worth, Swearingen, Williams of Caldwell, and Williams of Scotland—16.

**NOES**—Messrs. Bonham, Budd, Childress, Clover, Davis of Nodaway, Drake, Esther, Filley, Folmsbee, Henderson, Holland, Hume, King, McKernan, McPherson, Mack, Meyer, Rankin, Strong, Sutton, Switzler, Weatherby, and Mr. President—23.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Bunce, Davis of New Madrid, D’Oench, Fletcher, Gamble, Gilstrap, Grammer, Green, Nixdorf, and Owens—12.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the amendment was disagreed to.

Mr. HOLDSWORTH offered the following amendment:

Amend section eight by striking out, in line one, after the word “shall,” to the word “reduce,” in line two; and after the

word "for," in line four, to the word "and," in line seven.

On which Mr. SMITH of Worth demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Dodson, Folmsbee, Holdsworth, Leonard, Rohrer, Smith of Worth, Weatherby, Williams of Caldwell, and Williams of Scotland—10.

**NOES**—Messrs. Bonham, Budd, Bunce, Bush, Childress, Clover, Davis of Nodaway, Drake, Ellis, Filley, Fulkerson, Gilbert of Lawrence, Henderson, Holcomb, Holland, Hume, King, Linton, McKernan, McPherson, Mack, Meyer, Rankin, Strong, Sutton, Swearingen, Switzler, and Mr. President—28.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Martin, Morton, Newgent, St. Gem, and Thilenius—10.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, D'Oench, Fletcher, Gamble, Gilstrap, Grammer, Green, Nixdorf, Owens, and Smith of Mercer—12.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the amendment was rejected.

Mr. SMITH of Worth offered the following amendment, which was disagreed to:

Strike out "sixteen," in the seventh line of the seventh section, and insert "thirty-two."

Mr. SMITH of Worth offered the following amendment, which was disagreed to:

Strike out the word "four," and insert "two," in the sixth line of the third section.

Mr. BUSH offered the following amendment, which was disagreed to:

Amend section six by striking out, in lines three, four, five, and six, all between the word "corporation," in third line, and the words "the proceeds," in seventh line.

Mr. SMITH of Worth offered the following amendment, which was read:

Amend section eight, in line six, after the word "county," by inserting "except swamp and overflowed lands, and the proceeds thereof."

On this amendment, Mr. SMITH of Worth demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Dodson, Folmsbee, Holcomb, Holdsworth, Leonard, Smith of Worth, Swearingen, and Williams of Caldwell—9.

**NOES**—Messrs. Bonham, Budd, Bunce, Bush, Childress, Clover, Davis of Nodaway, Drake, Esther, Fulkerson, Gilbert of Lawrence, Henderson, Holland, Hume, King,

Linton, McKernan, McPherson, Mack, Martin, Rankin, Rohrer, Strong, Sutton, Switzler, Weatherby, and Mr. President—27.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, D'Oench, Filley, Fletcher, Gamble, Gilstrap, Grammer, Green, Meyer, Nixdorf, Owens, Smith of Mercer, and Williams of Scotland—14.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the amendment was rejected.

Mr. BONHAM moved that the article on Education be engrossed for a third reading, and on that motion demanded the previous question, which was sustained.

The question then being on the motion to engross, Mr. BONHAM demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Budd, Bunce, Childress, Clover, Davis of Nodaway, Drake, Esther, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holland, Hume, King, McKernan, McPherson, Mack, Rankin, Strong, Sutton, Weatherby, and Mr. President—23.

**NOES**—Messrs. Barr, Bush, Dodson, Holcomb, Holdsworth, Leonard, Linton, Martin, Rohrer, Smith of Worth, Swearingen, Switzler, and Williams of Scotland—13.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, D'Oench, Filley, Fletcher, Gamble, Gilstrap, Grammer, Green, Meyer, Nixdorf, Owens, Smith of Mercer, and Williams of Scotland—15.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the article was ordered to be engrossed.

Mr. STRONG, from the Committee on Engrossment, reported the article on Impeachments as truly engrossed; which report was received and adopted.

Mr. DRAKE, chairman of the Revising Committee, made the following report:

MR. PRESIDENT: The Revising Committee, to whom was referred the article on the Legislative Department, beg leave to report the same back without amendment.

C. D. DRAKE, Chairman.

Mr. SMITH of Worth offered the following amendment to said article:

Amend, by way of rider, by striking out section twenty-eight.

The question being on the amendment offered by Mr. Smith of Worth, he demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Henderson, Smith of Worth, Weatherby, Williams of Caldwell, and Mr. President—5.

**NOES**—Messrs. Barr, Bonham, Budd, Bunce, Bush, Childress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Folmsbee, Fulkerson, Gilbert of Lawrence, Holcomb, Holdsworth, Holland, Hume, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Rankin, Rohrer, Strong, Sutton, Swearingen, and Switzer—32.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, D’Oench, Filley, Fletcher, Gamble, Gilstrap, Grammer, Green, Nixdorf, Owens, Smith of Mercer, and Williams of Scotland—14.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the amendment was rejected.

Mr. SMITH of Worth offered the following amendment, which was disagreed to:

Amend, by way of rider, by striking out section twenty-nine.

Mr. SMITH of Worth offered the following amendment, which was disagreed to:

Amend, by way of rider, section twenty-nine, by striking out the following words: “a territory of less than five hundred square miles, or with.”

Mr. DRAKE moved that the article on Legislative Department be enrolled as a part of the Constitution, on which he demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Hume, King, Leonard, McKernan, McPherson, Mack, Martin, Rankin, Strong, Sutton, Swearingen, Weatherby, and Williams of Caldwell—28.

**NOES**—Messrs. Bush, Holcomb, Holland, Linton, Meyer, Rohrer, Smith of Worth, Switzer, and Mr. President—9.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Davis of New Madrid, D’Oench, Filley, Fletcher, Gamble, Gilstrap, Grammer, Green, Nixdorf, Owens, Smith of Mercer, and Williams of Scotland—14.

**SICK**—Messrs. Cowden, Ellis, Mitchell, and Peck—4.

So the article was ordered to be enrolled as a part of the Constitution.

Mr. DRAKE, chairman of the Revising Committee, made the following report:

MR. PRESIDENT: The Revising Committee, to whom was referred the article on the Judicial Department, beg leave to report the same back without amendment.

C. D. DRAKE, *Chairman.*

Which report was read and adopted.

Mr. DRAKE moved that the article be read a third time and put upon its final passage, which was agreed to, and the article ordered to be enrolled as a part of the Constitution.

Mr. DRAKE, chairman of the Revising Committee, presented the following report:

MR. PRESIDENT: The Revising Committee, to whom was referred the article on Impeachments, beg leave to report the same back without amendment.

C. D. DRAKE, *Chairman.*

Which report was read and adopted.

Mr. STRONG, from the Committee on Engrossment, reported back the article on Banks and Corporations as truly engrossed.

Mr. DRAKE offered the following amendment to said article:

Amend section one, line five, by striking out the word “Legislature,” and inserting in lieu thereof the words “General Assembly.”

Which was adopted.

On motion of Mr. DRAKE, the article on Banks and Corporations was read the third time, adopted, and ordered to be referred, under the rule, to the Revising Committee.

On motion of Mr. BONHAM, the ordinance offered by him this forenoon was called up, and he presented the following substitute therefor:

AN ORDINANCE FOR PAYING THE OFFICERS, MEMBERS, AND OTHERS, OF THE MISSOURI STATE CONVENTION.

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:*

1. That there be, and is hereby, appropriated, out of any money in the treasury of this State, the sum of twenty thousand dollars, for the payment of members, and all other expenses, of the Missouri State Convention.

2. The State treasurer is hereby required and authorized to pay to the chairman of the Committee on Accounts (Mr. Ferdinand Meyer) the aforesaid sum of twenty thousand dollars, and to take his receipt therefor; and the Committee on Accounts shall audit all indebtedness incurred by this Convention;

and if any debts should remain unpaid after the above appropriation is exhausted, then the General Assembly, at its next session, shall provide for the full and complete payment of the same.

3. The auditor of public accounts is required and authorized to audit the accounts of the Committee on Accounts, and make full settlement with them, paying them the per diem and mileage now allowed to a member for all necessary time occupied, and journeys made, after the close of this Convention.

Mr. BUSH offered the following amendment, which was read:

Amend section one by inserting, after the words "treasury of the State," the words "not otherwise appropriated."

Which was disagreed to.

On motion of Mr. BONHAM, this ordinance was ordered to be engrossed for a third reading.

On motion of Mr. DRAKE, the Convention adjourned until 9 o'clock to-morrow morning.

## SEVENTY-FOURTH DAY.

WEDNESDAY, APRIL 5th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Armstrong.

Mr. BUSH called up his proposed amendment to the standing rule number forty-four, offered yesterday.

Mr. DRAKE moved the previous question, which was sustained.

The question then being on adopting the amendment of Mr. Bush to the forty-fourth standing rule, Mr. BUSH demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Bush, D'Oench, Evans, Gilstrap, Green, Holcomb, Holdsworth, Linton, Martin, Meyer, Rohrer, Smith of Mercer, Smith of Worth, Switzler, and Mr. President—16.

**NOES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Davis of Nodaway, Dodson, Drake, Esther, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Rankin, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland—29.

**ABSENT WITH LEAVE**—Messrs. Foster, Fletcher, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Clover, Davis of New Madrid, Graumner, Nixdorf, and Owens—5.

**SICK**—Messrs. Adams, Cowden, Ellis, Mitchell, and Peck—5.

So the amendment of Mr. Bush to the forty-fourth standing rule was not adopted.

Mr. SWITZLER moved that leave of absence be granted to Mr. Owens, on account of hold-

ing court in his circuit, which was not granted.

Mr. DRAKE, chairman of the Revising Committee, offered the following report:

**MR. PRESIDENT:** The Revising Committee, to whom was referred the article on Banks and Corporations, beg leave to report the same back without amendment.

C. D. DRAKE, *Chairman.*

On motion of Mr. DRAKE, the article on Banks and Corporations was ordered to be enrolled as a part of the Constitution.

Mr. DRAKE moved that the vote by which the article on the Legislative Department was ordered to be enrolled as a part of the Constitution, be reconsidered, which motion was agreed to.

Mr. DRAKE offered the following amendment, by way of rider, which was read the first and second time, and adopted:

Amend, by way of rider, on page three, line four, by inserting, between the word "each" and the word "Senators," the word and figure "section 7."

Mr. DRAKE offered the following amendment, by way of rider, which was read the first and second time, and adopted:

Amend, by way of rider, on page eight, lines seventeen and eighteen, by striking out the words "after the first day of July, one thousand eight hundred and sixty-five."

Mr. LINTON offered the following amendment, by way of rider, which was read the first time:

Amend section thirty-five, by way of rider, by inserting, after the words "public schools," the words "orphan asylums and graveyards."

Mr. STRONG objected to the second reading of the amendment; on which motion Mr. DRAKE demanded the previous question, which was sustained by the Convention.

The question then being on the rejection of the amendment offered by Mr. Linton, Mr. LINTON demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Budd, Bunce, Childress, Davis of Nodaway, Drake, Folmsbee, Fulkerson, Holdsworth, King, Leonard, McPherson, Maek, and Strong—14.

**NOES**—Messrs. Barr, Bedford, Bush, Dodson, D'Oench, Esther, Evans, Filley, Gamble, Gilbert of Lawrence, Gilstrap, Henderson, Holeomb, Holland, Hume, Linton, McKernan, Martin, Meyer, Rohrer, Smith of Mercer, Sutton, Swearingen, Switzler, Weatherby, Williams of Caldwell, and Mr. President—27.

**ABSENT WITH LEAVE**—Messrs. Foster, Fletcher, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—9.

**ABSENT WITHOUT LEAVE**—Messrs. Clover, Davis of New Madrid, Grammer, Green, Nixdorf, Owens, Rankin, Smith of Worth, and Williams of Scotland—9.

**SICK**—Messrs. Adams, Cowden, Ellis, Mitchell, and Peck—5.

So the amendment was not rejected, and it was read a second time.

Mr. DRAKE moved the previous question, which was sustained.

The question then being on the adoption of the amendment offered by Mr. Linton, which had been read the first and second time, Mr. ROHRER demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Budd, Childress, Davis of Nodaway, Dodson, D'Oench, Drake, Esther, Evans, Filley, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holeomb, Holland, Linton, McKernan, Mack, Martin, Meyer, Rankin, Rohrer, Smith of Mercer, Sutton, Swearingen, Switzler, Weatherby, and Williams of Caldwell—29.

**NOES**—Messrs. Bonham, Folmsbee, Holdsworth, Hume, King, McPherson, Strong, and Williams of Scotland—8.

**ABSENT WITH LEAVE**—Messrs. Foster, Fletcher, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, Thilenius, and Mr. President—10.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Bunce, Bush, Clover, Davis of New

Madrid, Gilstrap, Grammer, Green, Leonard, Nixdorf, Owens, and Smith of Worth—12.

**SICK**—Messrs. Adams, Cowden, Ellis, Mitchell, and Peck—5.

So the amendment of Mr. Linton was not adopted; not having received the votes of a majority of all the members elected to the Convention, as required by the third section of the forty-fourth rule.

Mr. DRAKE moved that the article on Legislative Department be enrolled as a part of the Constitution; on which motion he demanded the previous question, which was sustained.

The question then being, “Shall this article be enrolled as a part of the Constitution?” it was decided in the affirmative, and the article was ordered to be so enrolled.

Mr. STRONG, chairman of the Committee on Engrossing, offered the following report:

The Committee on Engrossed Articles respectfully report that they have examined the article entitled Executive Department, and find it correctly engrossed.

GEO. P. STRONG, *Chairman.*

Mr. DRAKE offered the following amendment to said article, which was adopted:

Amend by striking out section twenty-two.

Mr. DRAKE offered the following amendment to said article, which was adopted:

Amend, on page six, by striking out section twenty, and inserting in lieu thereof the following:

Sec. 20. The Secretary of State shall be the custodian of the seal of State, and shall authenticate therewith all official acts of the Governor, his approbation of laws excepted. The said seal shall be called “The Great Seal of the State of Missouri,” and the emblems and devices thereof, heretofore prescribed by law, shall not be subject to change.

Mr. DRAKE offered the following amendments to said article, which were adopted:

Amend, on page seven, line seven, by striking out the word “vacancies,” and insert in lieu thereof the words “a vacancy shall;” and by striking out of lines eight and nine the words “or other tribunal charged with the transaction of county business;” and by striking out of lines eleven and twelve the words “or other tribunal;” and by striking out of line fifteen the words “or other tribunal as aforesaid;” and by striking out of line nineteen the words “or other tribunal;” and on page eight, line four, by striking out the words “but” and “such.”

On motion of Mr. DRAKE, the article on Executive Department was read the third time, adopted, and ordered to be referred to the Revising Committee.

Mr. DRAKE offered the following report:

MR. PRESIDENT: The Revising Committee, to whom was referred the article on Executive Department, beg leave to report the same back without amendment.

C. D. DRAKE, *Chairman.*

Mr. DRAKE moved that the article on Executive Department be enrolled as a part of the Constitution, on which motion Mr. HOLCOMB demanded the ayes and noes; and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Davis of Nodaway, Dodson, D’Oench, Drake, Esther, Evans, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Holcomb, Holland, Hume, Leonard, McKernan, McPherson, Mack, Rankin, Smith of Mercer, Strong, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland—31.

NOES—None.

ABSENT WITH LEAVE—Messrs. Foster, Fletcher, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, Thilenius, and Mr. President—10.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Bush, Davis of New Madrid, Gilstrap, Grammer, Green, Henderson, Holdsworth, King, Linton, Martin, Meyer, Nixdorf, Owens, Rohrer, Smith of Worth, Sutton, and Switzer—18.

SICK—Messrs. Adams, Cowden, Ellis, Mitchell, and Peck—5.

There being no quorum present, Mr. DRAKE moved a call of the house, which was ordered, and the following gentlemen answered to their names:

Messrs. Barr, Bonham, Budd, Bunee, Bush, Childress, Clover, Davis of Nodaway, Dodson, D’Oench, Drake, Esther, Evans, Filley, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Green, Henderson, Holcomb, Holdsworth, Holland, Hume, Linton, McKernan, McPherson, Mack, Martin, Meyer, Rankin, Rohrer, Smith of Mercer, Strong, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland—38.

ABSENT WITH LEAVE—Messrs. Foster, Fletcher, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, Sutton, Thilenius, and Mr. President—11.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Davis of New Madrid, Folmsbee, Grammer, King, Leonard, Nixdorf, Owens, Smith of Worth, and Switzer—10.

SICK—Messrs. Adams, Cowden, Ellis, Mitchell, and Peck—5.

On motion of Mr. DRAKE, further proceedings under the call were dispensed with.

The question then recurred, “Shall the article on Executive Department be enrolled as a part of the Constitution?” on which Mr. HOLCOMB demanded the ayes and noes; and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bonham, Budd, Bunce, Childress, Clover, Davis of Nodaway, Dodson, D’Oench, Drake, Esther, Evans, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, Hume, McKernan, McPherson, Mack, Meyer, Rankin, Smith of Mercer, Strong, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland—33.

NOES—Messrs. Bush, Gilstrap, Green, Linton, Martin, and Rohrer—6.

ABSENT WITH LEAVE—Messrs. Foster, Fletcher, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, Sutton, Thilenius, and Mr. President—11.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Davis of New Madrid, Grammer, King, Leonard, Nixdorf, Owens, Smith of Worth, and Switzer—9.

SICK—Messrs. Adams, Cowden, Ellis, Mitchell, and Peck—5.

So the article on Executive Department was ordered to be enrolled as a part of the Constitution.

Mr. BONHAM, chairman of the Committee on Confiscation, presented the following report and ordinance; which ordinance was read the first and second time, and ordered to be printed:

#### *Confiscation.*

The committee to whom was referred an ordinance for the confiscation of the property of rebels, respectfully report that they have had the matter under consideration, and report the accompanying article for the consideration of this Convention. In coming to this conclusion, the committee beg leave to state that, in the admittance of Western Virginia into the Union, the Congress of the United States admitted the right of that State to confiscate property, both real and personal, to the State, for treasonable acts committed by persons against that State. Missouri, being one of the compact of States of the United States, and loyal to the general government of the United States, claims only equal rights with her sister States in the confiscation of rebel property. All of which is respectfully submitted.

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| J. BONHAM, <i>Chairman,</i><br>W. H. FOLMSBEE,<br>J. A. MACK,<br>J. B. DODSON,<br>W. S. HOLLAND, | } <i>Committee.</i> |
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#### *Ordinance of Emancipation.*

SECTION 1. All property, both real and personal, in this State, owned by any person or persons having a wife or issue of his own

body alive, who has, since the commencement of the present rebellion, taken up arms against the provisional government of this State, or who has aided and abetted the enemies thereof by furnishing food or raiment, or munitions of war of any description whatever, shall be confiscated to the State of Missouri during the lifetime of the owner thereof.

SEC. 2. All property, both real and personal, owned in this State by any person or persons having neither wife nor issue of his own body alive, who has, since the present rebellion commenced, taken up arms against the provisional government of this State, or who has aided and abetted the enemies thereof by furnishing food or raiment, or munitions of war of any kind or description whatever, is hereby confiscated to the State forever.

SEC. 3. All property, both real and personal, owned by any person or persons in this State who shall hereafter take up arms against the government of the State of Missouri, or who shall hereafter aid or abet the enemies thereof, in any manner—or favor, directly or indirectly—or who shall hereafter refuse to aid the State government in repelling invasion or suppressing rebellion, shall be confiscated and forfeited to this State forever; and all property mentioned in this article shall be disposed of by the Legislature for the benefit of the State.

SEC. 4. The net proceeds of all property mentioned in this article shall inure to the benefit of education, and shall be applied to the support of schools, and be used for no other purpose whatever.

On motion of Mr. HOLLAND, the ordinance for the organization and government of the Missouri militia was taken up.

Mr. HOLLAND offered the following substitute for section one:

All able-bodied male inhabitants of this State, who are citizens of the United States, or who have declared their intention to become citizens, between the ages of eighteen and forty-five years, except such as may be exempted by law, shall be liable to military duty; and, when organized, shall constitute and be known as the "Missouri Militia."

Mr. LINTON offered the following amendment to the substitute, which was read and rejected:

Amend the substitute by inserting, after the word "inhabitants," the words "except those who are religiously scrupulous of bearing arms."

Mr. MEYER offered the following amendment to the substitute, which was disagreed to:

Strike out all after the word "duty," and insert in lieu thereof the following: "To be classified as follows: The militia shall be divided into two classes. The first class

shall be styled 'The National Guard,' and shall consist of all persons, subject to military duty, between the ages of eighteen and twenty-five years; and all unmarried persons, subject to such duty, between the ages of twenty-five and thirty-five years; except such unmarried persons, of the ages herein mentioned, as are the sole support of infirm parents or a family, who shall be enrolled with the second class. The second class shall be styled 'The Reserve,' and shall consist of all married persons, subject to such duty, between the ages of twenty-five and forty-five years, and all unmarried persons between the ages of thirty-five and forty-five years."

On motion of Mr. STRONG, the Convention adjourned until half-past 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. HOLLAND called up his substitute for section one of the militia ordinance, with the amendment thereto by Mr. Meyer.

On request of Mr. HOLLAND, he was allowed to withdraw his substitute, offered this forenoon, and offer the following in lieu thereof:

All able-bodied male inhabitants of this State, who are citizens of the United States, or who have declared their intention to become citizens, between the ages of eighteen and forty-five years—except such persons as have served not less than two years in the army or navy of the United States, or the Missouri State militia, and shall have been honorably discharged therefrom not more than twelve months before the time of enlistment, and such as shall be exempted by law—shall be liable to military duty; and, when organized, shall constitute and be known as the "Missouri Militia."

Mr. STRONG, of the Committee on Miscellaneous Provisions, reported the same back, and the Convention proceeded to consider it.

Mr. FOLMSBEE offered the following amendment to said article, which was adopted:

Amend by adding the following section:

SEC. —. The seat of government of this State shall remain at the City of Jefferson.

Mr. DRAKE offered the following amendment, which was adopted:

Amend by adding the following section:

SEC. —. No person emancipated by the ordinance abolishing slavery in Missouri, adopted on the eleventh day of January,

one thousand eight hundred and sixty-five, shall, by any county court or other authority, be apprenticed or bound for any service, except in pursuance of laws made especially applicable to the persons so emancipated.

Mr. STRONG offered the following amendment, which was adopted:

Add as a new section: The General Assembly shall provide by law for the indictment and trial of persons charged with the commission of any felony, in any county other than that in which the offense was committed, whenever, owing to prejudice or any other cause, an impartial grand or petit jury can not be impaneled in the county in which such offense was committed.

On motion of Mr. DRAKE, the article on Miscellaneous Provisions was ordered to be engrossed for a third reading.

The question recurring on the amendment offered by Mr. Holland to the third section of the militia ordinance, Mr. MEYER demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Bunee, Chidress, Clover, Dodson, Drake, Esther, Evans, Fulkerston, Gilbert of Lawrence, Gilstrap, Holecomb, Holland, King, McPherson, Mack, Meyer, Strong, and Williams of Scotland—19.

**NOS**—Messrs. Barr, Bedford, Bush, Davis of Nodaway, Ellis, Folmsbee, Gamble, Henderson, Holdsworth, Hume, Linton, McKernan Martin, Rankin, Rohrer, Smith of Merger, Smith of Worth, Sutton, Swearingen, Switzler, Weatherby, Williams of Caldwell, and Mr. President—23.

**ABSENT WITH LEAVE**—Messrs. Foster, Fletcher, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenins—9.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Davis of New Madrid, D’Oench, Filley, Grammer, Green, Leonard, Nixdorf, and Owens—9.

**SICK**—Messrs. Adams, Cowden, Mitchell, and Peck—4.

So the amendment was not adopted.

Mr. BONHAM offered the following amendment, which was adopted:

Amend section six, line two, by adding the words “no more,” after the word “generals.”

Mr. BARR offered the following amendment:

Strike out section fourteen, and insert the following: The surgeon general shall appoint a physician or surgeon for each county, to examine persons claiming exemption, who shall give to every person exempted by him a certificate; and shall return to the office of the adjutant of the district, within

five days after the close of each of his sittings, a complete list of all persons so exempted. The physician or surgeon so employed shall receive the pay of a major of infantry, while actually engaged in such service.

Mr. HOLLAND offered the following amendment to said amendment, which was rejected:

Amend the substitute for section fourteen by striking out all after the word “shall,” and insert in lieu thereof the following words: “be entitled to collect of every person so examined an examination fee of one dollar.

Mr. BARR’s amendment was then adopted.

The action on the militia ordinance was temporarily suspended, to enable Mr. Strong, chairman of the Engrossing Committee, to make the following report:

MR. PRESIDENT: The Committee on Engrossed Articles respectfully report that the article entitled Miscellaneous Provisions has been correctly engrossed.

GEO. P. STRONG, *Chairman.*

On motion of Mr. DRAKE, the article on Miscellaneous Provisions was read a third time, put upon its final passage, adopted, and ordered to be referred to the Revising Committee.

The consideration of the ordinance on militia was again resumed.

Mr. BUSH offered the following amendment, which was adopted:

Amend section eleven by striking out the words “his Excellency,” in first line.

Mr. HOLLAND offered the following amendment, which was adopted:

Amend section twenty-two by adding thereto: “and such pay shall be in the same funds in which the United States volunteers are paid, or their equivalent.”

Mr. STRONG offered the following amendment, which was rejected:

Amend by adding to section ten the following words: “But no person subject to militia duty shall be required to leave the county where he is enrolled, except in case of invasion, or to repel attack, or to pursue guerrillas or other disturbers of the peace or safety of the State.”

On motion of Mr. DRAKE, the further consideration of the ordinance on militia was postponed until to-morrow morning.

Mr. DRAKE, chairman of the Revising Committee, made the following report:

MR. PRESIDENT: The Revising Committee, to whom was referred the article entitled Miscellaneous Provisions, beg leave to report the same back without amendment.

C. D. DRAKE, *Chairman.*

Mr. DRAKE moved that the article on Miscellaneous Provisions be enrolled as a part of the Constitution, which was agreed to.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved*, That, in enrolling the Constitution, the last section of the article on the Legislative Department, and the fourth, fifth and sixth sections of the article on Banks and Corporations, shall be transferred to and incorporated in the article entitled Miscellaneous Provisions.

Mr. STRONG, chairman of the Committee on Engrossed Bills, reported the article on Education as truly engrossed.

The consideration of the article on Education was temporarily suspended, so as to enable Mr. Strong, chairman of the Engrossing Committee, to make a report.

Mr. STRONG, chairman of the Engrossing Committee, reported the ordinance for procuring money for the payment of members and officers, and for other expenses, as truly engrossed.

On motion of Mr. BONHAM, the ordinance for paying officers, members, and others, of the Missouri State Convention, was read the third time, put upon its final passage, and adopted.

On motion, the article on Education was again taken up.

Mr. HOLLAND offered the following amendment, which he afterwards withdrew:

Amend first line, on fourth page, by striking out the word "may," and inserting the word "shall."

On motion of Mr. BONHAM, the article on Education was read the third time, put upon its final passage, adopted, and ordered to be referred to the Revising Committee.

A letter from J. W. McIntyre, chairman United States Christian Commission, dated St. Louis, April 5, 1865, inviting the members of the Convention to participate in a meeting to be held on Friday evening, April 7, 1865, was read for information, and laid on the table.

Mr. SWITZLER offered the following resolution:

*Resolved*, That this Convention, desirous again to testify its appreciation of the priceless blessings guaranteed to the people by the Union of the States, have heard with joy and thanksgiving that Richmond (Confederate Capital) and Petersburg (one of the Gibralters of the rebellion) have fallen, by the gallantry and heroism of the national troops; these glorious victories adding new lustre to our arms, and affording us reason to hope that this disastrous and wicked insurrection is virtually overthrown; and that, at no distant period, peace, on the basis of the Federal Union of all the States, will be restored.

On motion of Mr. STRONG, the resolution was laid over and made the special order for to-morrow morning.

On motion of Mr. DRAKE, the Convention adjourned until 9 o'clock to-morrow morning.

## SEVENTY-FIFTH DAY.

THURSDAY, APRIL 6th, 1865.

Convention met pursuant to adjournment, the President in the chair.

The pending resolution, offered by Mr. Switzler yesterday, was called up.

Mr. STRONG offered the following amendment thereto, which was accepted by Mr. Switzler:

Amend the resolution by adding these words: "And triumphantly vindicating the wisdom and patriotism of our honored chief magistrate, who, with a brave heart and steady purpose, has successfully carried forward, by force of arms, the glorious work of suppressing rebellion by the military power of the government; and illustrating, with

equal clearness, the miserable folly and want of loyalty and patriotism of those who denounced Abraham Lincoln as 'the despot whom God in his wrath permits to occupy the Presidential chair;' who asserted the right of traitors to float the flag of treason, and justified the slaughter, by traitors, of these same gallant and heroic national troops, asserting that they 'met a merited doom,' and regretting that more of them were not shot; who justified and rejoiced in the traitorous conduct of that perjured traitor Claiborne F. Jackson, who, with the oath of fidelity to the Federal Constitution on his lips, prostituted his official position to place Missouri among the rebel States, against the will of a large majority of her citi-

zens; who denounced the call of President Lincoln for seventy-five thousand of these same gallant and heroic troops, to defend the Union of the States, as 'illegal, inhuman, and diabolical;' and who publicly declared that, if there were any of those gallant and heroic soldiers in Missouri who were willing to 'aid a black-republican President in the butchery of the Southern people'—and thus assist in achieving 'these glorious victories, adding new lustre to our arms'—'they were on the wrong side of Mason and Dixon's line, and had better, for their health, take up their beds and walk, and walk fast;' and who most loudly denounced all attempts at coercion, from the start, well knowing it was the only means of suppressing rebellion, and securing 'these glorious victories' over which we now all unite in rejoicing. This Convention rejoices in the fact that the patriotic soldiers *did* 'take up their beds and walk,' and that they have pursued their walk over the whole territory of secession, until they have pitched their tents in the rebel capital at Richmond; and have demonstrated the fact that victory and success are wonderful promoters of patriotic rejoicing and of loyalty, and that the submission and respect of rebels and rebel sympathizers are best secured by the exhibition of a power in the government that they cannot successfully resist.'

Mr. BUSH offered the following amendment to the original resolution:

Amend the resolution by inserting the words 'freedom and,' after the words 'basis of,' in the last sentence.

Which was accepted by Mr. Switzler.

Mr. DRAKE offered the following amendment:

Amend by striking out the word 'Federal,' in line twenty-two of the original resolution, and inserting in lieu thereof the words 'complete and imperishable.'

After debate, the question being on the amendment of Mr. Drake, Mr. SWITZLER demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Davis of Nodaway, Dodson, Drake, Ellis, Evans, Fletcher, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Leonard, Linton, McKernan, McPherson, Mack, Peck, Rankin, Smith of Mercer, Strong, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—32.

**NOES**—Messrs. Bush, Esther, Gamble, Gilstrap, Holcomb, Martin, Rohrer, Swearingen, and Switzler—9.

**ABSENT WITH LEAVE**—Messrs Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Clover, Davis of New Madrid, D'Oench,

Filley, Grammer, Green, Meyer, Nixdorf, Owens, and Sutton—11.

**SICK**—Messrs. Adams, Cowden, Mitchell, and Smith of Worth—4.

So the amendment was adopted.

Mr. DRAKE moved the indefinite postponement of the resolution, and called for the previous question, which was sustained.

The question then being on the indefinite postponement of the resolution, it was disagreed to.

The question then being on the adoption of the resolution, as amended, Mr. STRONG called for the previous question, which was sustained.

On the adoption of the resolution Mr. BONHAM demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Esther, Evans, Filley, Fletcher, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Henderson, Holcomb, Holdsworth, Holland, Hume, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Peck, Rankin, Rohrer, Smith of Mercer, Strong, Sutton, Swearingen, Switzler, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—43.

**NOES**—Mr. Bush—1.

**ABSENT WITH LEAVE**—Messrs. Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Clover, Davis of New Madrid, Grammer, Green, Meyer, Nixdorf, and Owens—8.

**SICK**—Messrs. Adams, Cowden, Mitchell, and Smith of Worth—4.

So the resolution was adopted.

Mr. DRAKE, chairman of the Revising Committee, presented the following report:

**MR. PRESIDENT**: The Revising Committee, to whom was referred the article on Education, beg leave to report the same back with the following amendments:

Amend, on page three, line eight, by striking out the word 'also,' and inserting in lieu thereof the word 'and.'

Amend, on page three, line nine, by striking out the word 'may,' and inserting, after the word 'now,' the word 'belong,' and inserting the word 'may' before the word 'hereafter'

Amend, on page three, line thirteen, by striking out the word 'additional,' and by inserting, in line fourteen, after the word 'security,' the words 'in addition thereto.'

C. D. DRAKE, *Chairman*.

The amendments recommended by the Revising Committee were adopted.

On motion of Mr. DRAKE, the article on Education was put upon its final passage,

adopted, and ordered to be enrolled as a part of the Constitution.

On motion of Mr. BUDD, the article on Railroad Indebtedness was taken up.

Mr. BONHAM offered the following amendment, which was adopted:

Amend section third, in second line, after the word "company," by adding the following: "or the Platte Country Railroad Company."

Mr. BONHAM offered the following amendment, which was adopted:

At the end of section third add the following: "and the Platte Country Railroad Company."

Mr. BUSH offered the following amendment:

Amend section first by striking out the word "ten," in the third and also in the sixth line, and inserting the word "two," in lieu thereof; also, by striking out the word "fifteen," in the tenth line, and inserting the word "five" in lieu thereof.

The question being on adopting this amendment, Mr. BUSH demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bush, D'Oench, Ellis, and Filley—5.

**NOES**—Messrs. Bonham, Budd, Bunce, Childress, Davis of Nodaway, Dodson, Drake, Esther, Folsom, Fulker, Gaumba, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, Hume, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Peck, Rankin, Rohrer, Smith of Mercer, Strong, Sutton, Swearingen, Switzler, Weatherby, and Williams of Scotland—34.

**ABSENT WITH LEAVE**—Messrs. Evans, Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, Thilenius, and Mr. President—10.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bedford, Clover, Davis of New Madrid, Fletcher, Gilstrap, Grammer, Green, Meyer, Nixdorf, Owens, and Williams of Caldwell—12.

**SICK**—Messrs. Cowden, Mitchell, and Smith of Worth—3.

So the amendment was rejected.

Mr. BONHAM offered the following amendments, which were adopted.

Amend section one, line three, by striking out the words "an annual tax of;" and in sixth line, by striking out the words "the tax of ten per cent," and insert in lieu thereof the words "the payment of this per centage."

Amend, in line nine, section one, by striking out the word "an," and insert "annually."

In line ten, strike out the words "tax of," and the word "taxed," and insert, after the word "said," the words "per centage."

In line eleven, strike out the words "received from the tax," and insert the words "paid as."

In seventeenth line, strike out the words "from the tax on said lands," and insert the words "as aforesaid."

In section two, line one, strike out the word "tax," and insert the words "per centage."

In section three, in line three, strike out the word "taxes," and insert "per centage."

In section four, line two, strike out "tax," and insert "per centage."

In line three, strike out "tax," and insert "per centage."

Mr. DRAKE moved to reconsider the vote by which the following amendment, offered by Mr. Bonham, to the article on Railroad Indebtedness, was adopted:

In line nine, section one, strike out the word "an," and insert "annually."

Which motion was agreed to.

Mr. BONHAM modified his amendment so as to read as follows:

In line nine, section one, strike out the words "an annual."

And the amendment, as modified, was then adopted.

Mr. STRONG offered the following amendment, which was rejected:

Amend by striking out the words "interest coupons, and interest thereon, and," in the thirteenth line, and inserting, after the word "principal," in line fourteen, the words "and interest;" also, the word "bonds," between the words "or" and "guaranteed," in line fourteen.

Mr. BUDD offered the following amendment, which was adopted:

The said Hannibal and St. Joseph Railroad Company shall pay into the treasury of the State, annually, two per cent. on three million of State bonds loaned to said company, for the purpose of liquidating the principal of the bonds aforesaid; and on failure to do so, the tax of ten and fifteen per cent., named in the first section, shall be collected of the Hannibal and St. Joseph Railroad Company.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section first by striking out, in lines three, eight, and eleven, the word "quarterly," and inserting in lieu thereof the word "quarter-yearly."

Mr. DRAKE offered the following amendments, which were adopted:

Amend by inserting, in line nine, section first, before the word "October," the words "day of."

Amend by striking out of line twelve, section first, the words "be paid into the State treasury, and shall."

Amend, in section first, line one, by striking out the words "Company and Southwest Branch."

Amend section first, line two, by inserting the word "and" after the word "company."

Amend section first, line fourteen, by inserting the word "the" before the word "principal."

Amend section first, line four, by striking out the word "on," where it first occurs therein, and inserting in lieu thereof the word "of;" and by striking out of line ten the word "on," and inserting in lieu thereof the word "of."

Mr. STRONG offered the following amendment:

Amend by striking out the word or figure "five," in line seven, and inserting the word "six;" also, by striking out the word or figure "seven," in lines eight and nine, and inserting therein the word "eight."

On motion, the article on Railroad Indebtedness was laid over temporarily until this afternoon.

Mr. STRONG, chairman of the Engrossing Committee, reported the article on Militia as truly engrossed.

Mr. MEYER offered the following amendment to the article on Militia, which was adopted:

Strike out section three.

Mr. DRAKE offered the following amendments, which were adopted:

Amend, in line seven, by inserting the word "of," after the word "except."

Amend, in line fifteen, by striking out the word "except."

Amend, in lines sixteen and seventeen, by striking out the words "they exceed eight in number," and inserting in lieu thereof the words, "there be more than two officers of that grade."

Mr. STRONG offered the following amendment:

Strike out all of section two, down to the words "the General Assembly," in line twelve of engrossed bill.

On this amendment Mr. FLETCHER demanded the ayes and noes; and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bunce, Childress, Dodson, Drake, Ellis, Esther, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, McKernan, McPherson, Mack, Rankin, Strong, and Swearingen—21.

NOES—Messrs. Bonham, Budd, Bush, Davis of Nodaway, Evans, Fletcher, Gilstrap, Meyer, Peck, Smith of Mercer, Sutton, Weatherby, and Williams of Scotland—13.

ABSENT WITH LEAVE—Messrs. Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, Thilenius, and Mr. President—9.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Clover, Davis of New Madrid, D'Oench, Filley, Folmsbee, Grammer, Green, Holcomb, Leonard, Linton, Martin, Nixdorf, Owens, Rohrer, Switzler, and Williams of Caldwell—17.

SICK—Messrs. Adams, Cowden, Mitchell, and Sinth of Worth—4.

So the amendment was rejected.

Mr. STRONG offered the following amendment:

Add, as a new section, the following: Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, or by the order of the Governor, they may be appointed by the Governor.

On which Mr. MACK moved the previous question; which was sustained.

The question then being on adopting the amendment of Mr. Strong, Mr. HOLCOMB demanded the ayes and noes thereon; and the vote being taken, stood as follows:

AYES—Messrs. Bonham, Bunce, Childress, Dodson, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Holland, Hume, McPherson, Mack, Smith of Mercer, Strong, Sutton, Swearingen, Weatherby, and Williams of Scotland—18.

NOES—Messrs. Barr, Davis of Nodaway, Drake, Ellis, Esther, Evans, Fletcher, Henderson, Holcomb, Holdsworth, King, McKernan, Meyer, Peck, and Rankin—15.

ABSENT WITH LEAVE—Messrs. Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—8.

ABSENT WITHOUT LEAVE—Messrs. Adams, Bedford, Budd, Bush, Clover, Davis of New Madrid, D'Oench, Filley, Folmsbee, Grammer, Green, Leonard, Linton, Martin, Nixdorf, Owens, Rohrer, Switzler, Williams of Caldwell, and Mr. President—20.

SICK—Messrs. Cowden, Mitchell, and Smith of Worth—3.

So the amendment was adopted.

Mr. DRAKE moved that the article on Militia be read a third time, and adopted; on which he moved the previous question, which was sustained.

The question then being on the adoption of the article on Militia, Mr. MEYER demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Bunce, Childress, Davis of Nodaway, Drake, Ellis, Esther, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, McKernan, McPherson, Mack, Peck, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, and Williams of Scotland—25.

**NOES**—Messrs. Barr, Dodson, Evans, Fletcher, Gilstrap, Holecomb, Meyer, and Weatherby—8.

**ABSENT WITH LEAVE**—Messrs. Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, Thilenius, and Williams of Caldwell—9.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Budd, Bush, Clover, Davis of New Madrid, D’Oench, Filley, Folmsbee, Grammer, Green, Leonard, Linton, Martin, Nixdorf, Owens, Rohrer, Switzler, and Williams of Scotland—18.

**SICK**—Messrs. Adams, Cowden, Mitchell, and Smith of Worth—4.

So the article was adopted.

On motion of Mr. BARR, the Convention adjourned until half-past 2 o’clock P. M.

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#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

Mr. DRAKE, chairman of the Revising Committee, presented the following report:

**MR. PRESIDENT**: The Revising Committee, to whom was referred the article on Militia, beg leave to report the same back without amendment.

C. D. DRAKE, *Chairman.*

Mr. DRAKE moved that the article on Militia be put upon its final reading, adopted, and ordered to be enrolled as a part of the Constitution; on which motion Mr. HOLCOMB demanded the ayes and noes, and the vote being taken, stood as follows:

**AYES**—Messrs. Bonham, Budd, Bunce, Childress, Davis of Nodaway, Drake, Ellis, Esther, Filley, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Henderson, Holdsworth, Hume, McKernan, McPherson, Mack, Peck, Rankin, Smith of Mercer, Sutton, Swearingen, and Williams of Caldwell—25.

**NOES**—Messrs. Barr, Dodson, Evans, Green, Holecomb, Leonard, Martin, Meyer, Weatherby, and Mr. President—10.

**ABSENT WITH LEAVE**—Messrs. Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Bush, Clover, Davis of New Madrid, D’Oench, Fletcher, Folmsbee, Grammer, Holland, King, Linton, Nixdorf, Owens, Rohrer, Strong, Switzler, and Williams of Scotland—17.

**SICK**—Messrs. Adams, Cowden, Mitchell, and Smith of Worth—4.

So the article on Militia was ordered to be enrolled as a part of the Constitution.

On motion of Mr. DRAKE, the article on Provisions for putting the Constitution into Force was taken up.

Mr. DRAKE offered the following amendment to said article, which was adopted:

Amend by inserting, between the title and the first section, the words “and we do further ordain, as follows.”

Mr. DRAKE offered the following amendment:

Fill the first blank in section two with the word “sixth,” and the second blank with the word “June.”

Mr. GILSTRAP offered the following amendment to the amendment:

Amend the amendment by striking out of first blank, “sixth,” and the second blank, “June;” and insert, in the first blank, “seventh,” and in the second blank, “November.”

Mr. DRAKE moved to lay on the table the amendment of Mr. Gilstrap, on which Mr. HOLCOMB demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Davis of Nodaway, Drake, Ellis, Esther, Filley, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, McKernan, McPherson, Mack, Peck, Rankin, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Mr. President—29.

**NOES**—Messrs. Bush, Clover, Dodson, Evans, Fletcher, Gamble, Gilstrap, Green, Holcomb, Leonard, Linton, Martin, Meyer, Rohrer, Smith of Mercer, Switzler, and Williams of Scotland—17.

**ABSENT WITH LEAVE**—Messrs. Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Davis of New Madrid, D’Oench, Grammer, Nixdorf, and Owens—6.

**SICK**—Messrs. Adams, Cowden, Mitchell, and Smith of Worth—4.

So the amendment of Mr. Gilstrap was laid on the table.

Mr. GILSTRAP then offered the following amendment to the amendment of Mr. Drake:

Amend the amendment by striking out “June” and inserting “September.”

Mr. DRAKE moved to lay the amendment of Mr. Gilstrap on the table, on which Mr. GILSTRAP demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunee, Childress, Davis of Nodaway, Drake, Ellis, Esther, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Linton, McKernan, McPherson, Mack, Peck, Rankin, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Mr. President—30.

**NOES**—Messrs. Bush, Clover, Dodson, Evans, Fletcher, Gilstrap, Green, Holeomb, Leonard, Linton, Martin, Meyer, Rohrer, Smith of Mercer, and Williams of Scotland—15.

**ABSENT WITH LEAVE**—Messrs. Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Davis of New Madrid, D’Oench, Grammer, Nixdorf, Owens, and Switzler—7.

**SICK**—Messrs. Adams, Cowden, Mitchell, and Smith of Worth—4.

So the amendment of Mr. Gilstrap was laid on the table.

Mr. GREEN offered the following amendment to the amendment of Mr. Drake:

Amend the amendment by striking out “June” and inserting “August.”

Mr. DRAKE moved to lay the amendment of Mr. Green on the table, on which motion Mr. Bush demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunee, Childress, Davis of Nodaway, Drake, Ellis, Esther, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, McKernan, McPherson, Mack, Peck, Strong, Sutton, Swearingen, and Weatherby—25.

**NOES**—Messrs. Bush, Clover, Dodson, Evans, Fletcher, Gilstrap, Green, Holeomb, Leonard, Linton, Martin, Meyer, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Williams of Caldwell, Williams of Scotland, and Mr. President—21.

**ABSENT WITH LEAVE**—Messrs. Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Davis of New Madrid, D’Oench, Grammer, Nixdorf, Owens, and Switzler—7.

**SICK**—Messrs. Adams, Cowden, and Mitchell—3.

So the amendment of Mr. Green was laid on the table.

Mr. DRAKE demanded the previous question, which was sustained.

The question then being on adopting the amendment offered by Mr. Drake, Mr. MARTIN demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunee, Childress, Clover, Davis of Noda-

way, Drake, Ellis, Esther, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Linton, McKernan, McPherson, Mack, Peck, Rankin, Strong, Sutton, Swearingen, and Weatherby—30.

**NOES**—Messrs. Bush, Dodson, Evans, Fletcher, Gilstrap, Green, Holeomb, Leonard, Martin, Meyer, Rohrer, Smith of Mercer, Smith of Worth, Williams of Caldwell, Williams of Scotland, and Mr. President—16.

**ABSENT WITH LEAVE**—Messrs. Foster, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Davis of New Madrid, D’Oench, Grammer, Nixdorf, Owens, and Switzler—7.

**SICK**—Messrs. Adams, Cowden, and Mitchell—3.

So the amendment of Mr. Drake was adopted.

Mr. DRAKE offered the following amendment:

Fill the first blank in section seven with the word “first,” and the second blank with the word “July.”

On which Mr. DRAKE demanded the previous question, which was sustained, and the amendment of Mr. Drake was adopted.

Mr. GILSTRAP offered the following amendment:

Amend the article by striking out the sixth section.

Mr. DRAKE demanded the previous question, which was sustained.

The question then being on the adoption of the amendment offered by Mr. Gilstrap, Mr. DRAKE demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, Gilstrap, Holeomb, and Linton—4.

**NOES**—Messrs. Barr, Bonham, Budd, Bunee, Childress, Davis of Nodaway, Dodson, Drake, Ellis, Esther, Evans, Filley, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Martin, Peck, Rankin, Rohrer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—38.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—7.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Clover, Davis of New Madrid, D’Oench, Fletcher, Grammer, Green, Meyer, Nixdorf, Owens, Smith of Mercer, and Switzer—12.

**SICK**—Messrs. Adams, Cowden, and Mitchell—3.

So the amendment of Mr. Gilstrap was not adopted.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section six, line two, by striking out the words “is not,” and inserting in lieu thereof the words “would not be;” and by adding, after the word “Constitution,” the words “if the second article thereof were then in force.”

Mr. DRAKE offered the following amendment, which was adopted:

Amend section six by striking out the words “the oath or affirmation prescribed by this Constitution,” and by inserting, after the figures “1862,” the following: “the following oath, to-wit: ‘I, A. B., do solemnly swear that I am well acquainted with the terms of the third section of the second article of the Constitution of the State of Missouri, adopted by the Convention which assembled in the city of St. Louis on the sixth day of January, eighteen hundred and sixty-five, and have carefully considered the same; that I have never, directly or indirectly, done any of the acts in said section specified; that I have always been truly and loyally on the side of the United States, against all enemies thereof, foreign and domestic; that I will bear true faith and allegiance to the United States, and will support the Constitution and laws thereof as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding; that I will, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the government thereof to be destroyed or overthrown, under any circumstances, if in my power to prevent it; and that I make this oath without any mental reservation or evasion, and hold it to be binding on me;’ and by striking out of the sixth line the word ‘and.’”

Mr. DRAKE offered the following amendment, which was adopted:

Amend by adding the following section:

**SEC.** — The office of Register of Lands shall continue until the General Assembly shall abolish the same.

Mr. DRAKE offered the following amendment, which was adopted:

Amend by adding the following section:

**SEC.** — The officer now known as the Auditor of Public Accounts shall hereafter be styled State Auditor.

Mr. DRAKE offered the following amendment, which was adopted:

Amend by adding the following section:

**SEC.** — Notwithstanding any provision in the previous articles of this Constitution, no

existing law of this State shall be invalidated by this Constitution until after the session of the General Assembly, to be held in the month of November.

Mr. DRAKE offered the following amendment, which was adopted:

Amend by adding the following at the close of the article: Done by the representatives of the people of the State of Missouri, in Convention assembled, at the city of St. Louis, on the — day of April, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States the eighty-ninth.

Mr. LINTON offered the following amendment:

Amend section sixth by striking out of line fourth all after the word “by” to the word “under” in line fifth, and inserting, after “1862,” in line sixth, the words “and, in addition to said oath, shall swear that he has, since the 17th day of December, 1861, been truly loyal to said government.”

Mr. DRAKE moved to lay the amendment of Mr. Linton on the table, and demanded the ayes and noes on that motion; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Davis of Nodaway, Dodson, Drake, Evans, Filley, Folsom, Foster, Fulker, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hunne, King, Leonard, McKernan, McPherson, Mack, Peck, Rankin, Rohrer, Smith of Mercer, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—34.

**NOES**—Messrs. Bush, Gilstrap, and Linton—3.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thileinius—7.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Clover, Davis of New Madrid, D’Oench, Ellis, Esther, Fletcher, Gamble, Grammer, Green, Holcomb, Martin, Meyer, Nixdorf, Owens, Smith of Worth, and Switzler—17.

**SICK**—Messrs. Adams, Cowden, and Mitchell—3.

So the amendment of Mr. Linton was laid on the table.

Mr. HOLLAND offered the following substitute for section one of the article:

**SECTION 1.** The preceding parts of this instrument, except the second article, shall not take effect unless this Constitution be adopted by the people, at the election to be hereinafter directed; but the provisions of this article, and of article two, on the Right of Suffrage, shall be in force from the day of the adoption of this Constitution by the representatives of the people, in this Convention assembled.

Mr. DRAKE moved to lay the substitute on the table.

On this motion Mr. HOLLAND demanded the ayes and noes; and the vote being taken, stood as follows:

**A YES**—Messrs. Barr, Bonham, Budd, Bunce, Childress, Davis of Nodaway, Drake, Filley, Folsom, Gamble, Gilbert of Lawrence, Henderson, Hume, King, Leonard, Linton, McKernan, McPherson, Mack, Peck, Rankin, Strong, Sutton, Swearingen, and Weatherby—25.

**NOES**—Messrs. Bush, Clover, Dodson, Esther, Evans, Fletcher, Foster, Fulker, Gilstrap, Green, Holcomb, Holdsworth, Holland, Meyer, Rohrer, Smith of Mercer, Smith of Worth, Williams of Caldwell, Williams of Scotland, and Mr. President—20.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—7.

**ABSENT WITHOUT LEAVE**—Messrs. Bedford, Davis of New Madrid, D’Oench, Ellis, Grammer, Martin, Nixdorf, Owens, and Switzler—9.

**SICK**—Messrs. Adams, Cowden, and Mitchell—3.

So the substitute was laid on the table.

Mr. GILSTRAP offered the following amendment:

Amend first section, third line, after the word “directed,” by adding the following: “except the article on the Right of Suffrage, numbered article two, which is hereby declared in full force and effect by the action of this Convention.”

Which was declared out of order.

On motion of Mr. DRAKE, the vote by which the following new section was adopted was reconsidered:

Amend by adding the following section:

SEC. —. Notwithstanding any provision in the previous articles of this Constitution, the existing law of this State shall not be invalidated by this Constitution until after the session of the General Assembly, to be held in the ensuing month of November.

And, on motion, Mr. Drake was allowed to substitute in lieu thereof the following:

SEC. —. Notwithstanding any provision in the previous articles of this Constitution, no act of the General Assembly of this State shall be invalidated by this Constitution until after the first session of the said General Assembly, held after this Constitution takes effect.

Mr. WILLIAMS of Caldwell moved to indefinitely postpone the further consideration of the article on Provisions for putting the Constitution into Force.

Mr. DRAKE moved to lay the motion of Mr. Williams of Caldwell, to indefinitely

postpone, on the table, and on this motion Mr. WILLIAMS of Caldwell demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bedford, Budd, Bunce, Childress, Davis of Nodaway, Dodson, Drake, Esther, Filley, Fulker, Gamble, Gilbert of Lawrence, Gilstrap, Green, Holland, King, Leonard, Linton, McKernan, McPherson, Mack, Rankin, Strong, Sutton, and Williams of Scotland—26.

**NOES**—Messrs. Bonham, Bush, Clover, Evans, Fletcher, Folsom, Foster, Henderson, Holcomb, Holdsworth, Hume, Meyer, Peck, Rohrer, Smith of Mercer, Smith of Worth, Swearingen, Weatherby, Williams of Caldwell, and Mr. President—20.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Thilenius—7.

**ABSENT WITHOUT LEAVE**—Messrs. Davis of New Madrid, D’Oench, Ellis, Grammer, Martin, Nixdorf, Owens, and Switzler—8.

**SICK**—Messrs. Adams, Cowden, and Mitchell—3.

So the motion to indefinitely postpone was laid upon the table.

Mr. DRAKE offered the following amendment, which was adopted:

Amend section four, line two, by inserting the word “immediately” before the word “certified.”

Mr. STRONG offered the following amendment, which was adopted:

Amend, by adding to section six, the following words: Any person who shall falsely take, or, having taken, shall thereafter willfully violate, the oath prescribed in this section, shall, upon conviction thereof, by any court of competent jurisdiction, be adjudged guilty of the crime of perjury, and shall be punished therefor in accordance with existing law.

Mr. BONHAM moved that the article be engrossed for a third reading; and, on that motion, demanded the previous question, which was sustained, and the article was ordered to be so engrossed.

On motion of Mr. BARR, the militia ordinance was taken up.

Mr. BARR offered the following amendment thereto, which was adopted:

Strike out “thirty-four,” in line two, section four, and insert “thirty-two;” also “fifty,” in same line, and insert “forty-six.”

Mr. BARR offered the following amendment, which was adopted:

Add, after the word "platoon," in lines two, three, and five, section thirteen, the words "or company."

Mr. BARR offered the following amendment, which was adopted:

Add, after the word "battalion," in lines two and four, section seventeen, the words "or regiment."

Mr. BARR offered the following amendment, which was adopted:

Strike out, in line one, section eighteen, the words "lawful for," and insert in lieu thereof "the duty of."

Mr. BARR offered the following amendment, which was adopted:

Strike out the word "county," in line nine, section eighteen, and insert "circuit."

Mr. MEYER offered the following amendment:

Strike out, after the word "officers," in second line, to the word "shall," in the fourth line.

On motion of Mr. BONHAM, the Convention adjourned until 9 o'clock to-morrow morning.

## SEVENTY-SIXTH DAY.

FRIDAY, APRIL 7th, 1865.

Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. McLain.

Mr. DRAKE offered the following resolution:

*Resolved*, That the Convention will meet at 2 o'clock P. M. to-morrow, and proceed then immediately to the final vote on the adoption of the Constitution as a whole; when each member, who desires to explain his vote, shall have the privilege of doing so when his name is called on the roll, being allowed three minutes for that purpose; and any member who may not be within the bar of the Convention when his name is called, but who comes in before the vote is finally announced, shall have the privilege of recording his vote.

Mr. DRAKE demanded the previous question on this resolution, which was sustained.

The question then being on adopting Mr. Drake's resolution, Mr. SMITH of Worth demanded the ayes and noes thereon; and the vote being taken, stood as follows:

AYES—Messrs. Adams, Barr, Bonham, Budd, Bunce, Bush, Childress, Davis of Nodaway, Dodson, Drake, Esther, Filley, Fohnsbee, Foster, Fulkerson, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, McKernan, McPherson, Peck, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, Switzler, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—34.

NOES—Messrs. Evans, Gamble, Green, Holcomb, Linton, Martin, Meyer, Rohrer, and Smith of Worth—9.

ABSENT WITH LEAVE—Messrs. Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—8.

ABSENT WITHOUT LEAVE—Messrs. Bedford, Clover, Davis of New Madrid, D'Oench, Ellis, Fletcher, Gilstrap, Grammer, Leonard, Mack, and Owens—11.

SICK—Messrs. Cowden and Mitchell—2.

So the resolution was adopted.

On request of Mr. ROHRER, leave of absence was granted to Mr. Nixdorf for the balance of the session.

Mr. STRONG submitted the following report:

The Committee on Engrossed Articles respectfully report that they have examined the article entitled Provisions for putting the Constitution into Force, and find the same correctly engrossed.

GEO. P. STRONG, *Chairman*.

Mr. DRAKE offered the following amendments to said article, which were adopted:

Amend by striking out section ten.

Amend, on page four, line nineteen, by striking out the words "next ensuing," and inserting, after the word "day," the words "of said month of."

Fill the blank in the final sentence with the word "eighth."

Mr. DRAKE moved that the article on Provisions for putting the Constitution into force be read a third time and adopted; and on this motion demanded the previous question, which was sustained.

The question then being on the adoption of the article, Mr. DRAKE demanded the

ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Barr, Bedford, Bonham, Budd, Bunce, Bush, Davis of Nodaway, Dodson, D’Oench, Drake, Ellis, Esther, Evans, Filley, Fletcher, Folmsbee, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Green, Henderson, Holdsworth, Hume, King, McKernan, McPherson, Peck, Rankin, Rohrer, Smith of Mercer, Strong, Sutton, Swearingen, Switzler, Weatherby, and Williams of Scotland—38.

**NOES**—Messrs. Holcomb, Holland, Linton, Martin, and Smith of Worth—5.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Childress, Clover, Davis of New Madrid, Gilstrap, Grammer, Leonard, Mack, Meyer, Owens, Williams of Caldwell, and Mr. President—10.

**SICK**—Messrs. Cowden and Mitchell—2.

So the article was adopted, and referred to the Revising Committee.

Mr. DRAKE, chairman of the Revising Committee, made the following report:

**MR. PRESIDENT:** The Revising Committee, to whom was referred the article entitled Provisions for putting the Constitution into Force, beg leave to report the same back without amendment.

C. D. DRAKE, *Chairman.*

Mr. DRAKE moved that said article be read the last time, put upon its final passage, and ordered to be enrolled as a part of the Constitution; on which motion he demanded the previous question, which was sustained.

The question then being on the final adoption of said article, Mr. DRAKE demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Barr, Bedford, Bonham, Budd, Bunce, Childress, Davis of Nodaway, Dodson, D’Oench, Drake, Ellis, Esther, Evans, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Hume, King, McKernan, Mack, Martin, Peck, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, Switzler, Weatherby, and Williams of Scotland—35.

**NOES**—Messrs. Bush, Fletcher, Foster, Holcomb, Holland, Linton, Meyer, Rohrer, and Smith of Worth—9.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, Thilenius, and Mr. President—9.

**ABSENT WITHOUT LEAVE**—Messrs. Clover, Davis of New Madrid, Gilstrap, Grammer, Green, Leonard, McKernan, Owens, and Williams of Caldwell—9.

**SICK**—Messrs. Cowden and Mitchell—2.

So the article was adopted, and ordered to be enrolled as a part of the Constitution.

On motion of Mr. BARR, the militia ordinance was taken up, with the pending amendment:

Strike out, after the word “officers,” in the second line, to the word “shall,” in the fourth line.

On request of Mr. DRAKE, leave of absence was granted to himself and Messrs. Holland and Switzler, to superintend the enrollment of the Constitution.

Mr. HOLLAND moved the previous question, which was sustained by the Convention.

The question then being on the pending amendment offered by Mr. Meyer, to strike out, after the word “officers,” in the second line, to the word “shall,” in the fourth line, Mr. HOLCOMB demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Bunce, Davis of Nodaway, Evans, Fletcher, Folmsbee, Fulkerson, Gilbert of Lawrence, Holcomb, Holdsworth, Holland, Martin, Meyer, Peck, Rohrer, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland—20.

**NOES**—Messrs. Barr, Bedford, Bonham, Budd, Bush, Childress, Dodson, Ellis, Esther, Filley, Gamble, Henderson, Hume, King, Linton, McKernan, McPherson, Mack, Rankin, Smith of Mercer, Smith of Worth, Strong, and Switzler—23.

**ABSENT WITH LEAVE**—Messrs. Drake, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, Thilenius, and Mr. President—10.

**ABSENT WITHOUT LEAVE**—Messrs. Clover, Davis of New Madrid, D’Oench, Foster, Gilstrap, Grammer, Green, Leonard, and Owens—9.

**SICK**—Messrs. Cowden, and Mitchell—2.  
So the amendment was rejected.

Mr. FOLMSBEE offered the following as a substitute for the ordinance on militia:

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:*

**SECTION 1.** That the act entitled “An act for the organization and government of the Missouri militia,” passed by the General Assembly of 1865, and approved February 10, 1865, be, and is hereby, abrogated.

**SEC. 2.** The Governor shall have power to commission not more than two brigadier generals, and to take such other steps as may be necessary to create an efficient militia organization for the State, by volunteer enlistment or otherwise.

**SEC. 3.** The General Assembly shall have power to modify or repeal this ordinance whenever they may deem it proper to do so.

Mr. BARR moved to lay the said substitute upon the table, on which motion Mr. WEATHERBY demanded the ayes and noes; and the vote being taken, stood as follows:

AYES—Messrs. Adams, Barr, Budd, Henderson, Holland, King, Linton, McKernan, McPherson, Martin, and Williams of Scotland—11.

NOES—Messrs. Bedford, Bonham, Bunnée, Bush, Childress, Clover, Davis of Nodaway, Dodson, Ellis, Esther, Evans, Filley, Fletcher, Folmsbee, Foster, Fulkerson, Gilbert of Lawrence, Holcomb, Holdsworth, Hume, Mack, Meyer, Peck, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, and Williams of Caldwell—32.

ABSENT WITH LEAVE—Messrs. Drake, Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, Thilenius, and Mr. President—10.

ABSENT WITHOUT LEAVE—Messrs. Davis of New Madrid, D’Oench, Gamble, Gilstrap, Grammer, Green, Leonard, Owens, and Switzler—9.

SICK—Messrs. Cowden and Mitchell—2.

So the Convention refused to lay the substitute on the table.

Mr. WEATHERBY offered the following resolution:

*Resolved*, That the Committee on Accounts be authorized to pay to the doorkeeper such amount for extra labor rendered by him to this Convention, in keeping the book of accounts, writing out of checks, warrants, and such other extra labor by him performed, as they may deem just.

On which Mr. WEATHERBY demanded the previous question, which was sustained, and the resolution was adopted.

Mr. WILLIAMS of Caldwell offered the following resolution, which was adopted:

*Resolved*, That the Assistant Secretary of this Convention be allowed the same pay as is allowed to the Secretary.

Mr. CHILDRESS offered the following resolution:

*Resolved*, That no member of this Convention shall receive pay (except in case of sickness) for any day or days that he shall have been, or may hereafter be, absent from and disconnected with the legal business of said Convention.

Mr. FLETCHER moved to lay the resolution on the table, on which motion Mr. CLOVER demanded the ayes and noes; and the vote being taken, stood as follows:

AYES—Messrs. Adams, Bedford, Bush, Clover, Esther, Fletcher, Folmsbee, Holdsworth, Holland, Hume, McPherson, Switzer, Weatherby, and Mr. President—14.

NOES—Messrs. Barr, Bonham, Budd, Childress, Davis of Nodaway, Dodson, Drake, Evans, Filley, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holcomb, King, Linton, McKernan, Mack, Peck, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—28.

ABSENT WITH LEAVE—Messrs. Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—8.

ABSENT WITHOUT LEAVE—Messrs. Bunce, Davis of New Madrid, D’Oench, Ellis, Foster, Gilstrap, Grammer, Green, Leonard, Martin, Meyer, and Owens—12.

SICK—Messrs. Cowden and Mitchell—2.

So the Convention refused to lay the resolution on the table.

Mr. CLOVER moved that the Convention adjourn, and on his motion demanded the ayes and noes; and the vote being taken, stood as follows:

AYES—Messrs. Adams, Bedford, Bush, Childress, Clover, Drake, Esther, Evans, Fletcher, Fulkerson, Henderson, Holland, Hume, King, Linton, McKernan, McPherson, Mack, Meyer, Peck, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Switzer, and Mr. President—29.

NOES—Messrs. Bonham, Davis of Nodaway, Dodson, Filley, Gamble, Gilbert of Lawrence, and Williams of Scotland—7.

ABSENT WITH LEAVE—Messrs. Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—8.

ABSENT WITHOUT LEAVE—Messrs. Barr, Budd, Bunee, Davis of New Madrid, D’Oench, Ellis, Folmsbee, Foster, Gilstrap, Grammer, Green, Holcomb, Holdsworth, Leonard, Martin, Owens, Weatherby, and Williams of Caldwell—18.

SICK—Messrs. Cowden and Mitchell—2.

So the Convention adjourned until half-past 2 o’clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. BARR, the militia ordinance, with the substitute and amendments thereto, was taken up.

Mr. FOLMSBEE withdrew his substitute.

Mr. DODSON offered the following amendment to the militia ordinance:

Amend section two, line four, by inserting, after the word “schools,” the words “when actually employed as such,” and by inserting, after the word “gospel,” the word “and,” and by striking out, after the word “physicians,” in the same line, the words “and railroad employees.”

Mr. BONHAM moved the previous question, which was sustained.

The question then being on the amendment of Mr. Dodson, Mr. BONHAM demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Barr, Bedford, Bunce, Childress, Clover, Dodson, Evans, Hume, McKernan, Mack, Rankin, Smith of Mercer, Strong, Weatherby, Williams of Caldwell, and Mr. President—17.

**NOES**—Messrs. Bonham, Budd, Bush, Davis of Nodaway, D’Oench, Ellis, Folmsbee, Fulkerson, Gilbert of Lawrence, Holcomb, Holdsworth, King, Linton, McPherson, Martin, Meyer, Peck, Smith of Worth, Sutton, and Swearingen—20.

**ABSENT WITH LEAVE**—Messrs. Drake, Gilbert of Platte, Holland, Hughes, Husmann, Morton, Newgent, St. Gem, and Switzler—9.

**ABSENT WITHOUT LEAVE**—Messrs. Davis of New Madrid, Esther, Filley, Fletcher, Foster, Gamble, Gilstrap, Grammer, Green, Henderson, Leonard, Nixdorf, Owens, Rohrer, Thilenius, and Williams of Scotland—16.

**SICK**—Messrs. Cowden and Mitchell—2.

So the amendment of Mr. Dodson was not adopted.

Mr. BARR offered the following substitute for section five of the ordinance on militia, which was adopted:

Platoons and companies, as soon as organized, shall elect their commissioned officers; which officers, together with all brigade, regimental and staff officers appointed by the Governor, and all non-commissioned company officers, shall, before commissions or warrants (as the case may be) shall issue to them, take and subscribe the following oath: “I, A. B., aged \_\_\_\_ years, of the county of \_\_\_\_, in the State of Missouri, and a native of \_\_\_\_, do, on oath (or affirmation), declare that I have not, during the present rebellion, taken up arms or levied war against the United States, nor against the State of Missouri; nor have willfully adhered to the enemies of either, whether domestic or foreign, by giving them aid and comfort by denouncing said governments, or either of them; by going into or favoring, or encouraging others to go into or favor, secession, rebellion, or disunion; but have always, in good faith, opposed the same; and further, that I will support, protect, and defend the Constitution of the United States, and of the State of Missouri, against all enemies or opposers, whether domestic or foreign—any ordinance, law or resolution of any State convention or legislature, or of any order or organization, secret or otherwise, to the contrary notwithstanding; and that I do this with an honest purpose, pledge, and determination, faithfully to perform the

same, without any mental reservation or evasion whatever, so help me God.”

Mr. GILBERT of Lawrence offered the following amendment:

Amend section twenty-two by striking out all after the word “men,” in the first line, to the word “and,” in the second line.

Which was read, and, on motion, laid on the table.

Mr. BUSH offered the following amendment, which was adopted:

Amend section twenty-eight by adding the following: “and may at any time amend or repeal this ordinance.”

Mr. MACK offered the following amendment:

Amend section two by adding at the end thereof the following words: All persons who have performed military duty in the military service of the United States, or of this State, shall be exempt from service in the militia for the same length of time that they may have served in the United States or State service, and have been honorably discharged.

Mr. KREKEL offered the following amendment, which was adopted:

Add at the end of third section: “and all enrollments heretofore made, under existing laws, shall be taken and considered as made under this ordinance.”

Mr. CLOVER demanded the previous question, which was sustained.

The question then being on the amendment of Mr. Mack, it was disagreed to.

Mr. CLOVER demanded the previous question upon the ordinance, which was sustained.

The question then being on engrossing the militia ordinance, it was ordered to be engrossed for a third reading.

On motion of Mr. STRONG, the article on Railroad Indebtedness, with the pending amendment thereto offered by himself, was taken up.

Mr. GREEN offered the following resolution:

*Resolved*, That the further consideration of the article on Railroad Indebtedness, and pending amendments, be indefinitely postponed.

On which, Mr. GREEN demanded the previous question, which was sustained.

The question then being on adopting the resolution of Mr. Green, Mr. BUDD demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Bedford, Bush, Clover, Davis of Nodaway, Dodson, Drake, Esther, Filley, Foster, Gilbert of Lawrence, Green, Holcomb, Holland, Linton, McKernan, Martin, Meyer, Peck, Sutton, and Mr. President—20.

**NOES**—Messrs. Adams, Barr, Bonham, Budd, Childress, Evans, Folmsbee, Fulkerson, Gamble, Henderson, Hume, King, McPherson, Mack, Rankin, Smith of Mercer, Strong, Swearingen, Williams of Caldwell, and Williams of Scotland—20.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, Switzler, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Bunce, Davis of New Madrid, D’Oench, Ellis, Fletcher, Gilstrap, Grammer, Holdsworth, Leonard, Nixdorf, Owens, Rohrer, Smith of Worth, and Weatherby—14.

**SICK**—Messrs. Cowden and Mitchell—2.

So the resolution was not adopted.

The question then recurring on the pending amendment of Mr. Strong, it was disagreed to.

Mr. BONHAM offered the following substitute for section four on Railroad Indebtedness:

Should any railroad company fail to comply with the provisions of this article, the General Assembly shall provide by law for the sale of all railroads which have heretofore failed, or shall hereafter fail, to pay the interest now due, or to become due, on any State bonds heretofore issued to aid in the construction of any such railroad. After the sale of any railroad, rolling-stock, or apparatus thereto belonging, wherein sale was made and such road was purchased by the State, on foreclosure of mortgage by the State, for the non-payment of principal and interest due on said bonds, the General Assembly is hereby prohibited from compounding with any company or companies who may be in possession of said road or roads at the time of such sale; unless said company or companies pay to the State, in Missouri State bonds, or cash, the amount due the State as interest on said bonds; and thereafter interest on said bonds shall be paid in advance, semi-annually.

The question being on this amendment, Mr. BONHAM demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bedford, Bonham, Budd, Childress, Davis of Nodaway, Esther, Evans, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, McPherson, Mack, Peck, Rankin, Smith of Worth, Strong, Sutton, Swearingen, Williams of Caldwell, Williams of Scotland, and Mr. President—23.

**NOES**—Messrs. Adams, Bunce, Bush, Clover, Dodson, Drake, Filley, Foster, Gilstrap, Green, Holland, Hume, King,

Linton, McKernan, Martin, Meyer, and Smith of Mercer—18.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Husmann, Morton, Newgent, St. Gem, and Switzler—7.

**ABSENT WITHOUT LEAVE**—Messrs. Davis of New Madrid, D’Oench, Ellis, Fletcher, Folmsbee, Grammer, Holcomb, Holdsworth, Leonard, Nixdorf, Owens, Rohrer, Thilenius, and Weatherby—14.

**SICK**—Messrs. Cowden and Mitchell—2.

So the substitute was adopted.

Mr. BONHAM moved that the article on Railroad Indebtedness be engrossed for a third reading.

Mr. CLOVER moved to adjourn, and on this motion Mr. BONHAM demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bedford, Clover, Foster, Gilbert of Lawrence, Green, Holland, Hume, Martin, and Meyer—10.

**NOES**—Messrs. Adams, Bonham, Budd, Bunce, Bush, Childress, Davis of Nodaway, Dodson, Drake, Esther, Evans, Filley, Fulkerson, Gamble, Gilstrap, Henderson, King, Linton, Mack, Peck, Rankin, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Williams of Caldwell, Williams of Scotland, and Mr. President—29.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Davis of New Madrid, D’Oench, Ellis, Fletcher, Folmsbee, Grammer, Holcomb, Holdsworth, Leonard, McKernan, McPherson, Owens, Rohrer, Switzler, and Weatherby—15.

**SICK**—Messrs. Cowden and Mitchell—2.

So the Convention refused to adjourn.

Mr. BONHAM demanded the previous question, which was sustained.

The question then being on engrossing the article on Railroad Indebtedness, Mr. CLOVER demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Bonham, Budd, Childress, Evans, Gamble, Gilstrap, Henderson, McPherson, Mack, Peck, Rankin, Smith of Worth, Strong, Sutton, Swearingen, Williams of Caldwell, and Williams of Scotland—18.

**NOES**—Messrs. Bedford, Bush, Clover, Davis of Nodaway, Dodson, Drake, Esther, Filley, Foster, Fulkerson, Gilbert of Lawrence, Holland, Hume, King, Linton, Martin, Meyer, Smith of Mercer, and Mr. President—19.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Husmann, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Barr, Bunce, Davis of New Madrid, D’Oench, Ellis, Fletcher, Folmsbee, Grammer, Green, Holcomb, Holdsworth, Leonard, McKernan,

Owens, Rohrer, Switzler, and Weatherby  
—17.

SICK—Messrs. Cowden and Mitchell—2.

So the motion to engross was rejected.

Mr. BONHAM introduced the following article on Railroad Indebtedness, which was read the first time:

**SECTION 1.** All railroad companies within this State, and indebted to it on account of money, bonds, guarantees or other securities loaned by the State, shall pay the annual interest in Missouri State bonds, or lawful funds of the United States, on all such money, bonds or guarantees due the State, on the first day of January in each year, after 1865; and in default of such payment, by any railroad company, of principal and interest, such defalcation shall be held and taken as a forfeiture of the road or roads to the State; and the General Assembly shall provide to sell such forfeited road or roads at public sale, to the highest bidder, and the money accruing from such sale shall be applied to the liquidation of the liabilities of the road sold.

**SEC. 2.** That all foreclosures of liens or mortgages by the State against any railroad

company in whose favor State bonds have been issued, wherein the State becomes the purchaser, at such sale or foreclosure the State shall take, hold, and retain the possession of the same until a sale of such road can be effected for the best interests of the State.

**SEC. 3.** After the sale of any railroad, rolling-stock, or appurtenances thereto belonging, wherein sale was made and foreclosed by the State, on foreclosure of mortgage by the State, for the non-payment of principal or interest due on bonds issued by the State to aid in the construction of said road, the General Assembly is hereby prohibited from compromising with any company or companies in possession of said road, at the time of said sale of such road, unless said company or companies pay to the State, in Missouri railroad bonds, or cash, the amount due the State as interest on said bonds; and thereafter the interest shall be paid in advance, semi-annually.

Pending the consideration of which, on motion of Mr. CLOVER, the Convention adjourned until 9 o'clock to-morrow morning.

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## SEVENTY-SEVENTH DAY.

SATURDAY, APRIL 8th, 1865.

Convention met pursuant to adjournment, the President in the chair.

The pending resolution of Mr. Childress was taken up, which was modified by him to read as follows:

*Resolved*, That no member of this Convention shall receive pay (except in case of sickness) for any day or days that he shall have been, or may hereafter be, absent from and disconnected with the legal business of said Convention, since the first day of March.

Mr. CLOVER moved to reject the resolution of Mr. Childress, and called for the previous question, which was sustained, and the resolution was rejected.

Mr. DRAKE offered the following ordinance, which was read the first and second time:

### AN ORDINANCE PROVIDING FOR OBTAINING THE VOTES OF MISSOURI SOLDIERS ON THE CONSTITUTION.

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:*

**SECTION 1.** The Governor of this State is required, on or before the 15th day of May

next, or immediately thereafter, to send messengers to the different points where there are citizens of this State, beyond the limits thereof, in the volunteer army of the United States, in order to obtain the votes of such persons upon the adoption or rejection of the Constitution adopted by this Convention. The said messengers shall be provided with duly-prepared poll-books for said election, the expense whereof, and also the compensation of such messengers, and all other expenses connected with sending such messengers, shall be certified by the Governor, and the State auditor shall draw his warrant upon the treasurer for all amounts so certified, payable out of any money in the treasury not otherwise appropriated.

To which Mr. GILSTRAP offered the following amendment, which was adopted:

**SEC. 2.** That such number of copies of the new Constitution adopted by this Convention, as the Governor may think necessary to a proper understanding of the Constitution, shall be sent to the Missouri soldiers with such messengers.

Mr. DRAKE moved that the rules be suspended, that the ordinance as amended be considered as engrossed, and read a third time now, which was agreed to.

The question then being upon the final passage of the ordinance, Mr. DRAKE demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Barr, Bedford, Bonham, Budd, Bush, Childress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Evans, Folmsbee, Foster, Gamble, Gilbert of Lawrence, Gilstrap, Green, Henderson, Holcomb, Holdsworth, Holland, Hume, Husmann, King, Leonard, Linton, McPherson, Mack, Martin, Peck, Rankin, Rohrer, Smith of Mercer, Strong, Sutton, Swearingen, Switzler, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—43.

**NOES**—None.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Meyer, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Bunce, Davis of New Madrid, D’Oench, Ellis, Filleigh, Fletcher, Fulkerson, Grammer, McKernan, Owens, and Smith of Worth—11.

**SICK**—Messrs. Cowden and Mitchell—2.

So the ordinance was adopted.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved*, That the ordinance providing for obtaining the votes of Missouri soldiers on the Constitution, be enrolled, and signed by the President and attested by the Secretary, and deposited in the office of the Secretary of State.

Mr. STRONG offered the following ordinance as a substitute for the article on Railroad Indebtedness:

#### AN ORDINANCE FOR THE PAYMENT OF STATE AND RAILROAD INDEBTEDNESS.

*Be it ordained by the people of the State of Missouri, in Convention assembled, as follows:*

**SECTION 1.** There shall be levied and collected from the Pacific Railroad Company, the North Missouri Railroad Company, and the St. Louis and Iron Mountain Railroad Company, an annual tax of ten per centum of all their gross receipts for the transportation of freight and passengers (not including amounts received from and taxes paid to, the United States), from the first of October, 1866, to the first of October, 1868, and fifteen per centum thereafter; which tax shall be assessed and collected in the county of St. Louis, in the same manner as other State taxes are assessed and collected, and shall be appropriated by the General Assembly to the payment of the principal and interest now due, or hereafter to become due, upon the bonds of the State, and the bonds guaranteed by the State, issued to the aforesaid railroad companies.

**SEC. 2.** A like tax of fifteen per centum

shall be assessed and collected from the Hannibal and St. Joseph Railroad Company, and from the Platte Country Railroad Company, whenever default is made by said companies, or either of them, in the payment of the interest or principal of the bonds of the State, or the bonds guaranteed by the State, issued to said companies, respectively; which tax shall be assessed and collected in such manner as the General Assembly may by law direct, and shall be applied for the payment of principal and interest of said bonds, as the same may become due and payable.

**SEC. 3.** The tax in this ordinance specified shall be collected from each company hereinbefore named only for the payment of the principal and interest of the bonds for the payment of which such company shall be liable; and whenever such bonds and interest shall have been fully paid, no further tax shall be collected from such company; but nothing shall be received by the State in discharge of any amounts due upon said bonds, except cash, or other bonds or obligations of this State.

**SEC. 4.** Should either of said companies refuse or neglect to pay said tax, as herein required, and the interest or principal of any of said bonds, or any part thereof, remain due and unpaid, the General Assembly shall provide by law for the sale of the railroad and other property, and the franchises of the company, that shall be thus in default under the lien reserved to the State; and shall appropriate the proceeds of such sale to the payment of the amount remaining due and unpaid from said company.

**SEC. 5.** Whenever the State shall become the purchaser of any railroad or other property, or the franchises, sold as hereinbefore provided for, the General Assembly shall provide by law in what manner the same shall be sold for the payment of the indebtedness of the railroad company in default; but no railroad or other property, or franchises, purchased by the State, shall be restored to any such company until it shall have first paid, in money or in Missouri State bonds, or in bonds guaranteed by this State, all interest due from said company; and all interest thereafter accruing shall be paid semi-annually, in advance; and no sale or other disposition of any such railroad or other property, or the franchises, shall be made without reserving a lien upon all the property and franchises thus sold or disposed of for all sums remaining unpaid; and all payments therefor shall be made in money, or in the bonds or other obligations of this State.

**SEC. 6.** The General Assembly shall provide by law for the payment of all State indebtedness not hereinbefore provided for, and for this purpose a tax of one-quarter of one per centum on all real estate and other property and effects, subject to taxation, shall be assessed and collected, and shall be appropriated for the payment of all such indebtedness that may have matured; and

the surplus, if any, shall be set apart as a sinking fund for the payment of the obligations of the State that may hereafter become due, and for no other purpose whatsoever.

**Mr. DRAKE**, chairman of the Enrolling Committee, made the following report:

**MR. PRESIDENT:** The Enrolling Committee report the ordinance providing for obtaining the votes of Missouri soldiers on the Constitution as truly enrolled.

**C. D. DRAKE, Chairman.**

On which the ordinance was signed by the President and attested by the Secretary, in presence of the Convention.

After debate, Mr. Dodson demanded the previous question, which was sustained.

The question then being on the adoption of the substitute for the article on Railroad Indebtedness, offered by Mr. Strong, Mr. BONHAM demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Bedford, Bonham, Budd, Childress, Davis of Nodaway, Evans, Folsom, Gamble, Henderson, Holdsworth, Hume, King, McPherson, Mack, Peck, Rankin, Smith of Mercer, Strong, Sutton, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—24.

**NOES**—Messrs. Barr, Bush, Dodson, D'Oench, Esther, Filley, Gilbert of Lawrence, Holcomb, Husmann, Linton, Rohrer, and Swearingen—12.

**ABSENT WITH LEAVE**—Messrs. Drake, Gilbert of Platte, Holland, Hughes, Meyer, Morton, Newgent, St. Gem, and Switzler—9.

**ABSENT WITHOUT LEAVE**—Messrs. Bunce, Clover, Davis of New Madrid, Ellis, Fletcher, Foster, Gilstrap, Grammer, Green, Leonard, McKernan, Martin, Nixdorf, Owens, and Thilenius—15.

**SICK**—Messrs. Cowden, Fulkerson, Mitchell, and Smith of Worth—4.

So the substitute for the ordinance was adopted.

Mr. BONHAM moved that the ordinance on Railroad Indebtedness be engrossed for a third reading; and on that motion demanded the previous question, which was sustained.

The question then being on engrossing the said ordinance, Mr. HOLCOMB demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bedford, Bonham, Budd, Childress, Davis of Nodaway, Evans, Folsom, Gamble, Henderson, Holdsworth, Hume, King, McPherson, Mack, Peck, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—25.

**NOES**—Messrs. Bush, Dodson, D'Oench, Esther, Filley, Gilbert of Lawrence, Holcomb, Husmann, Linton, and Rohrer—10.

**ABSENT WITH LEAVE**—Messrs. Drake, Gilbert of Platte, Holland, Hughes, Meyer, Morton, Newgent, Nixdorf, St. Gem, and Switzler—10.

**ABSENT WITHOUT LEAVE**—Messrs. Adams, Bunce, Clover Davis of New Madrid, Ellis, Fletcher, Foster, Fulkerson, Gilstrap, Grammer, Green, Leonard, McKernan, Martin, Owens, and Thilenius—16.

**SICK**—Messrs. Cowden, Mitchell, and Smith of Worth—3.

So the ordinance was ordered to be engrossed.

**MR. CHILDRESS** offered the following resolution:

*Resolved*, That no member of this Convention, who shall have been absent without leave since the first day of March last, shall be entitled to any pay for the time he shall have been so absent, except in case of sickness.

**MR. CHILDRESS** demanded the previous question, which was sustained.

The question then being on the adoption of said resolution, Mr. EVANS demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bush, Childress, D'Oench, Evans, Filley, Gilbert of Lawrence, Green, Holdsworth, Husmann, Linton, McPherson, Mack, Peck, Rankin, Sutton, Swearingen, Williams of Scotland, and Mr. President—19.

**NOES**—Messrs. Adams, Bedford, Davis of Nodaway, Dodson, Ellis, Esther, Folsom, Gamble, Holcomb, Hume, King, McKernan, Rohrer, Smith of Mercer, Strong, Weatherby, and Williams of Caldwell—17.

**ABSENT WITH LEAVE**—Messrs. Drake, Gilbert of Platte, Holland, Hughes, Meyer, Morton, Newgent, Nixdorf, St. Gem, and Switzler—10.

**ABSENT WITHOUT LEAVE**—Messrs. Bonham, Budd, Bunce, Clover, Davis of New Madrid, Fletcher, Foster, Fulkerson, Gilstrap, Grammer, Henderson, Leonard, Martin, Owens, and Thilenius—14.

**SICK**—Messrs. Cowden, Mitchell, and Smith of Worth—3.

So the resolution was adopted.

**MR. FILLEY** moved a reconsideration of the vote by which the resolution offered by Mr. Childress was adopted; which motion was agreed to.

On motion of Mr. GREEN, the resolution was then rejected.

Mr. STRONG, chairman of the Engrossing Committee, reported the ordinance on Militia as truly engrossed.

Mr. BARR moved that the ordinance be read a third time and adopted, on which Mr. MEYER demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Barr, Bedford, Bonham, Budd, Bush, Childress, Davis of Nodaway, Dodson, D'Oench, Drake, Ellis, Esther, Filley, Folmsbee, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Linton, McKernan, McPherson, Mack, Peck, Rankin, Rohrer, Smith of Mercer, Strong, Sutton, Swearingen, Switzler, Weatherby, Williams of Caldwell, and Williams of Scotland—36.

**NOES**—Messrs. Evans, Gamble, Holeomb, Husmann, Meyer, and Mr. President—6.

**ABSENT WITH LEAVE**—Messrs. Foster, Gilbert of Platte, Hughes, Morton, Newgent, Nixdorf, St. Gem, and Thilenius—8.

**ABSENT WITHOUT LEAVE**—Messrs. Bunce, Clover, Davis of New Madrid, Fulkerson, Gilstrap, Grammer, Leonard, Martin, and Owens—9.

**SICK**—Messrs. Cowden, Mitchell, and Smith of Worth—3.

**EXCUSED**—Messrs. Fletcher and Green—2.

So the ordinance was adopted.

Mr. GREEN offered the following resolution, which was adopted:

*Resolved*, That the Committee on Accounts are hereby directed, after the Convention adjourns, to take charge and dispose of the furniture and effects of the Convention room, and apply the proceeds to defraying the expenses of the Convention.

Mr. FILLEY, chairman of the Committee on Printing, presented the following report:

The Committee on Printing respectfully report that, after a careful investigation of the expense of printing and binding the Journal and Debates of the Convention, and inviting proposals for the work from various persons and establishments, they have found the proposal of Messrs. McKee, Fishback & Co. as low as any other, and have accordingly made an arrangement with them to do the work at the following rates:

For each thousand ems of composition, sixty-five cents. For paper, \$10.40 per ream. Press work, 37½ cents per token. For binding, folding and stitching, with strong paper cover, similar to the copies of the proceedings of the Convention of 1861, 10 cents per volume. The quality of paper, printing, and style, to be uniform with that of the Journal and Debates of the Convention of 1861.

The committee recommend the adoption of the following resolutions:

*Resolved*, That the Secretary of the Convention be instructed to deliver to McKee, Fishback & Co. the copy of the Journal of the Convention, for printing, after having carefully compared the same with the original record.

*Resolved*, That the Reporter of the Convention be instructed to deliver to McKee, Fishback & Co., the copy of the Debates and Proceedings, for printing.

*Resolved*, That three thousand two hundred copies of the Journal and Debates be printed and bound, for the use of the members of the Convention; and that fifty copies thereof be delivered to each member, or sent to him, in such manner as the members may severally direct.

CHAUNCEY I. FILLEY,  
WYLLYS KING,  
*Majority Committee.*

ST. LOUIS, April 8, 1865.

We agree to do the work specified in the foregoing report on the terms therein stated.

MCKEE, FISHBACK & CO.

Mr. D'OENCH made the following minority report:

The undersigned, a member of the Committee on Printing, desires to say that he fully agrees with the report of the majority of said committee as far as the arrangement for printing and binding with Messrs. McKee, Fishback & Co., of this city, is made; but differs in this: that he recommends a separate contract for the printing of the Journal only, which would form a volume by itself, and could be published at an earlier day; and that the speeches and proceedings should not be printed, as it will save a very large amount to our impoverished State. The undersigned is of opinion that, if the Convention desires to have the speeches and proceedings printed, the committee should be instructed to that effect, when a special contract could be made.

All of which is respectfully submitted.  
W. D'OENCH.

ST. LOUIS, April 8, 1865.

Mr. GREEN offered the following resolution:

*Resolved*, That the journal of the proceedings of this Convention, only, shall be published at public expense; that the printing of the debates is unnecessary; and that the Committee on Printing be authorized to cause so many copies of the journals of the proceedings to be printed as may be necessary to furnish fifty copies to each member.

Mr. WILLIAMS of Caldwell offered the following resolution, which was declared out of order:

*Resolved*, That this Convention will adjourn sine die at 10 o'clock A. M., Monday, April 10, 1865.

Mr. DRAKE moved to lay the resolution of Mr. Green on the table.

On this motion Mr. GREEN demanded the ayes and noes; and the vote being taken, stood as follows:

**AYES**—Messrs. Barr, Bonham, Davis of Nodaway, Drake, Evans, Filley, Folmsbee, Henderson, Hume, King, McPherson, Mack, Peck, Smith of Mercer, Strong, Sutton, Switzler, Weatherby, and Williams of Caldwell—19.

**NOES**—Messrs. Adams, Bedford, Bush, Childress, Dodson, D'Oench, Esther, Fletcher, Gamble, Gilbert of Lawrence, Green, Holcomb, Holdsworth, Holland, Husmann, Linton, McKernan, Meyer, Rankin, Rohrer, Sweeningen, Williams of Scotland, and Mr. President—23.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Morton, Newgent, and St. Gem—5.

**ABSENT WITHOUT LEAVE**—Messrs. Budd, Bunce, Clover, Davis of New Madrid, Ellis, Foster, Gilstrap, Grammer, Leonard, Martin, Nixdorf, Owens, and Thilenius—13.

**SICK**—Messrs. Cowden, Fulkerson, Mitchell, and Smith of Worth—4.

So the motion to lay on the table was rejected.

On motion of **MR. DRAKE**, the Convention adjourned until 2 o'clock P. M.

#### AFTERNOON SESSION.

Convention met pursuant to adjournment, the President in the chair.

**MR. STRONG**, chairman of the Engrossing Committee, reported that the ordinance for the Payment of State and Railroad Indebtedness was truly engrossed.

**MR. STRONG** offered the following amendment to said ordinance:

**SEC. 7.** At the election to be held on the sixth day of June, eighteen hundred and sixty-five, for the purpose of ascertaining the sense of the people in regard to the adoption or rejection of the Constitution adopted by this Convention, the question of the adoption or rejection of this ordinance shall be submitted to the voters of this State, who shall be qualified as voters under the provisions of article thirteenth of said Constitution, and shall take the oath in said article prescribed; and the vote at such election shall be taken, and returns thereof made, at the same time, under the same restrictions, and in the same manner, as in said article is provided for the vote upon the question of the adoption or rejection of said Constitution. The election herein provided for shall be by ballot. Those ballots in favor of this ordinance shall have written or printed thereon the words, "Shall the railroads pay their bonds?—Yes." Those opposed to this ordinance shall have written or printed thereon the words, "Shall the railroads pay their bonds?—No." If the majority of all the votes cast at such election shall be in favor of this ordinance, the same shall be valid and have full force and effect as a part of the Constitution of this State, whether the new Constitution adopted by this Convention be adopted or rejected. If a majority of such votes shall be against this ordinance, it shall have no force or validity whatsoever. The

Governor of this State shall, by proclamation, make known the result of the election herein provided for.

**MR. STRONG** demanded the previous question, which was sustained.

**MR. DRAKE** demanded a call of the house, which was sustained, and the following gentlemen answered to their names:

Messrs. Adams, Barr, Bedford, Bonham, Budd, Bunce, Bush, Childress, Clover, Davis of Nodaway, Dodson, Drake, Ellis, Esther, Evans, Filley, Foster, Fulkerson, Gamble, Gilbert of Lawrence, Gilstrap, Green, Henderson, Holcomb, Holdsworth, Holland, Hume, Husmann, King, Leonard, Linton, McKernan, McPherson, Mack, Martin, Meyer, Peck, Rankin, Rohrer, Smith of Mercer, Strong, Sutton, Sweeningen, Switzler, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—48.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Morton, Newgent, Nixdorf, and St. Gem—6.

**ABSENT WITHOUT LEAVE**—Messrs. Davis of New Madrid, D'Oench, Fletcher, Folmsbee, Grammer, Owens, and Thilenius—7.

**SICK**—Messrs. Cowden, Mitchell, and Smith of Worth—3.

On motion of **MR. BARR**, further proceedings under the call were dispensed with.

The pending amendment, offered by **MR. STRONG**, was then adopted.

**MR. CLOVER** moved to lay on the table the ordinance on Railroad Indebtedness, on which **MR. STRONG** demanded the ayes and nays; and the vote being taken, stood as follows:

**AYES**—Messrs. Bush, Clover, Davis of Nodaway, Dodson, Drake, Ellis, Esther, Filley, Foster, Gilbert of Lawrence, Green, Holcomb, Holland, Husmann, Leonard, Linton, McKernan, Mack, Martin, Meyer, and Mr. President—21.

**NOES**—Messrs. Adams, Barr, Bedford, Bonham, Budd, Bunce, Childress, Evans, Fulkerson, Gamble, Gilstrap, Henderson, Holdsworth, Hume, King, McPherson, Peck, Rankin, Rohrer, Smith of Mercer, Strong, Sutton, Sweeningen, Switzler, Weatherby, Williams of Caldwell, and Williams of Scotland—27.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Morton, Newgent, Nixdorf, and St. Gem—6.

**ABSENT WITHOUT LEAVE**—Messrs. Davis of New Madrid, D'Oench, Fletcher, Folmsbee, Grammer, Owens, and Thilenius—7.

**SICK**—Messrs. Cowden, Mitchell, and Smith of Worth—3.

So the motion to lay the ordinance on the table was rejected.

**MR. GREEN** moved that the ordinance on Railroad Indebtedness be read for information; which motion was disagreed to.

The question then being on the adoption of the ordinance, Mr. BUSH demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Barr, Bedford, Bonham, Budd, Bunce, Childress, Davis of Nodaway, Evans, Folmsbee, Fulkerson, Gamble, Gilstrap, Henderson, Holdsworth, Hume, McPherson, Maek, Peck, Rankin, Smith of Mercer, Strong, Sutton, Switzler, Weatherby, Williams of Caldwell, and Williams of Scotland—27.

**NOES**—Messrs. Bush, Clover, Dodson, D’Oench, Drake, Ellis, Esther, Filley, Gilbert of Lawrence, Green, Holecomb, Holland, Husmann, King Leonard, Linton, McKernan, Martin, Meyer, Rohrer, Swearingen, and Mr. President—22.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Morton, Newgent, Nixdorf, and St. Gem—6.

**ABSENT WITHOUT LEAVE**—Messrs. Davis of New Madrid, Fletcher, Foster, Grammer, Owens, and Thilenius—6.

**SICK**—Messrs. Cowden and Mitchell—2.

**EXCUSED FROM VOTING**—Mr. Smith of Worth—1.

So the ordinance was adopted.

Mr. DRAKE, chairman of the Committee on Enrolling, presented the following report:

**MR. PRESIDENT:** The Enrolling Committee beg leave to report that they have carefully examined and compared the two enrolled copies of the Constitution with the several engrossed articles thereof, as adopted by the Convention, and find the same to be correctly and truly enrolled; and herewith lay the said two enrolled copies of the Constitution before the Convention.

The committee further report that, in order to secure the enrollment of the Constitution in a proper manner and in due time, they were obliged to employ two gentlemen, Messrs. Andrew W. Mead and Michael J. McGrath, to do the work; and it was agreed to pay them twenty cents per hundred words. The number of words in the Constitution, upon a careful computation, we find to be 17,062; and there is therefore due to each of those gentlemen the sum of \$34.12, which the committee recommend should be authorized to be paid to them; and we therefore submit the following resolution for adoption by the Convention:

*Resolved*, That the Committee on Accounts shall allow and pay to Andrew W. Mead and Michael J. McGrath, each, the sum of \$34.12, for their services in enrolling the Constitution.

C. D. DRAKE,

W. S. HOLLAND,

WM. F. SWITZLER,

*Committee.*

Which resolution was adopted.

Mr. DRAKE moved that the Constitution now be finally adopted; and on that motion

he called for the previous question, which was sustained.

Mr. CLOVER moved that the Constitution be read as a whole; which was disagreed to.

Mr. CLOVER moved that the article on the Right of Suffrage be read; which was disagreed to.

The question then being on the final adoption of the Constitution, Mr. DRAKE demanded the ayes and noes thereon; and the vote being taken, stood as follows:

**AYES**—Messrs. Adams, Barr, Bonham, Budd, Bunce, Childress, Davis of Nodaway, Dodson, Drake, Ellis, Esther, Evans, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holecomb, Holdsworth, Holland, Hume, King, Leonard, McKernan, McPherson, Maek, Martin, Peck, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland, and Mr. President—38.

**NOES**—Messrs. Bedford, Bush, D’Oench, Fletcher, Foster, Gilstrap, Green, Husmann, Linton, Meyer, Rohrer, Smith of Worth, and Switzler—13.

**ABSENT WITH LEAVE**—Messrs. Gilbert of Platte, Hughes, Morton, Newgent, Nixdorf, and St. Gem—6.

**ABSENT WITHOUT LEAVE**—Messrs. Clover, Davis of New Madrid, Grammer, Owens, and Thilenius—5.

**SICK**—Messrs. Cowden and Mitchell—2.

So the Constitution was finally adopted.

On motion of Mr. DRAKE, the Rev. Thos. Cole was invited to offer prayer, which he came forward and did.

Thereupon the following members and officers of the Convention proceeded to sign duplicate copies of the Constitution, in accordance with a resolution heretofore adopted by this body:

ARNOLD KREKEL, of St. Charles co., Pres’t.  
CHAS. D. DRAKE, of St. Louis, Vice Pres’t.  
WM. B. ADAMS, of Montgomery county.

A. J. BARR, of Ray county.

A. M. BEDFORD, of Mississippi county.

D. BONHAM, of Andrew county.

GEO. K. BUDD, of St. Louis county.

HARVEY BUNCE, of Cooper county.

R. L. CHILDRESS, of Webster county.

JOHN H. DAVIS, of Nodaway county.

I. B. DODSON, of Adair county.

JOHN H. ELLIS, of Livingston county.

JOHN ESTHER, of Laclede county.

ELLIS G. EVANS, of Crawford county.

CHAUNCEY I. FILLEY, of St. Louis county.

J. W. FLETCHER, of Jefferson county.

W. H. FOLMSBEE, of Daviess county.  
 F. M. FULKERSON, of Saline county.  
 JOHN W. GAMBLE, of Audrain county.  
 A. GILBERT, of Lawrence county.  
 DAVID HENDERSON, of Dent county.  
 E. A. HOLCOMB, of Chariton county.  
 W. S. HOLLAND, of Henry county.  
 J. F. HUME, of Moniteau county.  
 WYLLYS KING, of St. Louis county.  
 REEVES LEONARD, of Howard county.  
 JOHN F. MCKERNAN, of Cole county.  
 ARCHIBALD M. MCPHERSON, of Perry county.  
 JOHN A. MACK, of Greene county.  
 FERDINAND MEYER, of St. Louis county.  
 DORASTUS PECK, of Iron county.  
 JONATHAN THOS. RANKIN, of Dade county.  
 K. G. SMITH, of Mercer county.  
 GEO. P. STRONG, of St. Louis county.  
 JAMES T. SUTTON, of Wayne county.  
 JOHN R. SWEARINGEN, of Jackson county.  
 WM. F. SWITZLER, of Boone county.  
 LEWIS H. WEATHERBY, of DeKalb county.  
 JEREMIAH WILLIAMS, of Caldwell county.  
 EUGENE WILLIAMS, of Scotland county.

*Attest:* AMOS P. FOSTER, *Secretary.*  
 THOS. PROCTOR, *Ass't Secretary.*

The President read the following paper, and, in accordance therewith, signed Mr. Holdsworth's name to the duplicate copies of the new Constitution:

The undersigned, member of this Convention, hereby authorizes and empowers the President of the Convention to sign his name to the Constitution, when the same shall have been adopted.

J. H. HOLDSWORTH, from Monroe.

Mr. BARR offered the following resolution, which was adopted:

*Resolved*, That the thanks of this Convention are hereby tendered to Hon. Arnold Krekel, President of this body, for the able and impartial manner in which he has discharged the duties of his office.

Mr. BARR offered the following resolution, which was adopted:

*Resolved*, That this Convention do adjourn *sine die* on Monday next, at 10 o'clock, A. M.

Mr. STRONG offered the following resolution, which was adopted:

*Resolved*, That the ordinance entitled "An ordinance for the organization and government of the Missouri militia," adopted by this Convention April 8, 1865, and the ordinance entitled "An ordinance for the payment of State and railroad indebtedness," adopted by this Convention April 8, 1865, be

enrolled, and a copy thereof, certified by the President and Secretary of this Convention, be filed in the office of the Secretary of State.

The pending reports, and the amendment, relative to printing, were called up.

The question then being on the amendment of Mr. Green, Mr. BONHAM demanded the ayes and noes thereon; and the vote being taken, stood as follows:

AYES—Messrs. Bush, Dodson, Fletcher, Foster, Gamble, Gilstrap, Holcomb, Husmann, Linton, Meyer, Rohrer, Swearingen, and Williams of Scotland—13.

NOES—Messrs. Barr, Bedford, Bonham, Childress, Davis of Nodaway, Drake, Esther, Evans, Filley, Folmsbee, Fulkerson, Gilbert of Lawrence, Henderson, Hume, King, McPherson, Mack, Peck, Smith of Mercer, Strong, Sutton, Switzler, Weatherby, Williams of Caldwell, and Mr. President—25.

ABSENT WITH LEAVE—Messrs. Gilbert of Platte, Hughes, Morton, Newgent, Nixdorf, and St. Gem—6.

ABSENT WITHOUT LEAVE—Messrs. Adams, Budd, Bunce, Clover, Davis of New Madrid, D'Oench, Ellis, Grammer, Green, Holdsworth, Holland, Leonard, McKernan, Martin, Owens, Rankin, and Thilenius—17.

SICK—Messrs. Cowden, Mitchell, and Smith of Worth—3.

So the amendment of Mr. Green was rejected.

The question then being on the original resolutions offered by the committee, they were adopted.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved*, That twenty-five thousand copies of the Constitution, and the ordinance for the Payment of State and Railroad Indebtedness, be printed on an open sheet (both being on the same sheet), and that five thousand copies thereof be furnished to the Governor to be sent to the Missouri soldiers, and the remainder thereof be distributed among the members in equal proportions; and that the expense of transmitting the same to the members be paid out of the money in the hands of the chairman of the Committee on Accounts.

Mr. BARR moved to reconsider the vote by which the Constitution was adopted, and Mr. DRAKE moved to lay that motion on the table; which latter motion was agreed to.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved*, That the journal of this Convention be printed in a volume separate from the debates and proceedings.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved*, That the President of this Convention be continued in office ninety days after the final adjournment of the Convention; and that he be required to see that all property of the State, in possession of the Convention, be returned to the State; and that he be authorized, also, to do such other acts as may be necessary to close up the business and affairs of the Convention.

Mr. WILLIAMS of Caldwell offered the following resolution, which was adopted:

*Resolved*, That the Committee on Printing be instructed to procure three thousand copies of a list of the names, post-office address, occupation, etc., of members of this Convention, and distribute the same among the members.

Mr. EVANS offered the following resolution, which was adopted:

*Resolved*, That the thanks of this Convention are due, and are tendered, to the Iron Mountain, North Missouri, Hannibal and St. Joseph, the Atchison, St. Joseph and Platte Country, and the Pacific, railroad companies, for the courtesies extended to this Convention.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved*, That the reporter of the Convention be authorized to employ two assistants in the writing out of the debates and proceedings, at twenty-five dollars per week, each, for a period not exceeding three months; and that the Committee on Accounts be authorized to pay such assistants.

On motion, the Convention adjourned until Monday morning next at 9 o'clock.

## SEVENTY-EIGHTH DAY.

MONDAY, APRIL 10th, 1865.

Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. DRAKE, a call of the house was ordered, when the following members responded to their names:

Messrs. Barr, Bedford, Bonham, Chidress, Dodson, Drake, Esther, Fletcher, Folsom, Fulkerson, Gilbert of Lawrence, Gilstrap, Green, Henderson, Holcomb, Holdsworth, Hume, King, Leonard, McKernan, McPherson, Peck, Rohrer, St. Gem, Smith of Mercer, Smith of Worth, Sutton, Swearingen, Thilenius, Weatherby, Williams of Caldwell, Williams of Scotland, and Mr. President—33.

ABSENT—Messrs. Adams, Budd, Bunce, Bush, Clover, Davis of New Madrid, Davis of Nodaway, D'Oench, Ellis, Evans, Filley, Foster, Gamble, Gilbert of Platte, Grammer, Holland, Hughes, Husmann, Linton, Mack, Martin, Meyer, Mitchell, Morton, Newgent, Nixdorf, Owens, Rankin, Strong, and Switzer—30.

SICK—Mr. Cowden—1.

On motion of Mr. WILLIAMS of Caldwell, further proceedings under the call were dispensed with.

Mr. DRAKE offered the following resolution:

*Resolved*, That the resolution adopted on Saturday last, fixing the hour of 10 o'clock this day for adjournment, be rescinded.

On which Mr. DRAKE demanded the previous question, which was sustained, and the resolution was adopted.

The President caused a dispatch to be read, announcing the surrender of the rebel army under General Lee to General Grant.

On motion of Mr. DRAKE, nine cheers were given for the glorious news just now received.

Mr. GREEN offered the following resolutions:

*Resolved*, That we have reason to be thankful to Almighty God for the successes of our noble and patriotic army and navy; for the steady and persistent perseverance of our noble President in the work of breaking the power of the rebellion; and especially for the noble and humane disposition which has been manifested by our authorities to our conquered enemy.

*Resolved*, further, That we are ready to sustain our noble President, in the hour of victory, in whatever terms of amnesty he, with his constitutional advisers, may think it best to offer to those who have been in arms against the Government; except that we will not be willing to sanction any terms of peace which will admit of the perpetuation of slavery in any part of the Republic.

Pending which, Mr. STRONG moved to amend the last resolution by adding the following: “or the free pardon of the principal leaders who instigated this wicked rebellion.”

On motion of Mr. DRAKE, the question on the resolutions was divided; and, on motion, the first resolution was adopted.

Mr. DRAKE moved to lay the second resolution on the table, and on this motion demanded the ayes and noes; and the vote being taken, stood as follows:

AYES—Messrs. Barr, Bedford, Bonham, Budd, Childress, Dodson, Drake, Ellis, Esther, Evans, Folmsbee, Foster, Fulker-  
son, Gilbert of Lawrence, Henderson, Hol-  
comb, Hume, Leonard, McKernan, Mc-  
Pherson, Meyer, Peck, Smith of Mercer,  
Strong, Sutton, Swearingen, Thilenius,  
Weatherby, Williams of Caldwell, Williams  
of Scotland, and Mr. President—31.

NOES—Messrs. D'Oench, Fletcher, Gil-  
strap, Green, Holdsworth, King, Linton,  
Rohrer, St. Gem, and Switzler—10.

ABSENT WITH LEAVE—Messrs. Gilbert of  
Platte, Hughes, Morton, Newgent and Nix-  
dorf—5.

ABSENT WITHOUT LEAVE—Messrs. Adams,  
Bunce, Bush, Clover, Davis of New Madrid,  
Davis of Nodaway, Filley, Gamble, Gram-  
mer, Holland, Husmann, Mack, Martin,  
Owens, and Rankin—15.

SICK—Messrs. Cowden, Mitchell, and  
Smith of Worth—3.

So the seeond resolution was laid on the  
table.

Mr. DRAKE offered the following resolu-  
tion, which was adopted:

*Resolved*, That ten thousand ballots be  
printed for the soldiers' vote on the Con-  
stitution and Ordinance to be voted on, and  
that the same be delivered to the Governor,  
to be sent by the messengers dispatched by  
him to obtain the soldiers' vote.

Mr. FOLMSBEE offered the following resolu-  
tion:

*Resolved*, That the Vice President of this  
Convention be appointed to superintend the  
printing of the journal and debates of this  
Convention, and other printing required to  
be done, after adjournment; and that he shall  
be entitled to the pay of a member of this  
body for each day in which he shall be  
engaged thereon.

Mr. GREEN moved that Mr. Clover be also  
added; which motion was disagreed to.

Mr. BARR offered the following amend-  
ment, which was adopted:

Add, after the word "Convention," the  
words "and the distribution of the same."

The resolution, as thus amended, was  
adopted.

Mr. DRAKE offered the following resolu-  
tion:

*Resolved*, That when a member has been  
continuously absent without leave, for a time  
exceeding two days next preceding the final  
adjournment of the Convention, the Com-  
mittee on Accounts shall not allow or pay  
him any per diem for the time he was so

absent, unless his absence was occasioned by  
his sickness, and the fact of such sickness  
reported to the Convention and noted on its  
journal, in the calling of the ayes and noes; and  
the Secretary of the Convention is re-  
quired to make out and deliver to the chair-  
man of the Committee on Accounts a list of  
all members so absent without leave, with a  
statement of the date of such absence; and  
that said committee be required to pay  
immediately those members present on this  
day.

Mr. WEATHERBY moved to lay the resolu-  
tion on the table, and on this motion Mr.  
DRAKE demanded the ayes and noes; and the  
vote being taken, stood as follows:

AYES—Messrs. Bedford, Fletcher, Folms-  
bee, Gilstrap, Green, Holcomb, Hume,  
Leonard, McKernan, Meyer, Rohrer, St.  
Gem, Smith of Mercer, Strong, Swearingen,  
Thilenius, Weatherby, Williams of Caldwell,  
and Williams of Scotland—19.

NOES—Messrs. Barr, Bonham, Budd,  
Childress, D'Oench, Drake, Esther, Evans,  
Fulker-  
son, Gilbert of Lawrence, Henderson,  
Holdsworth, King, Linton, McPherson,  
Peck, Sutton, Switzler, and Mr. President  
—19.

ABSENT WITH LEAVE—Messrs. Gilbert of  
Platte, Hughes, Morton, Newgent, and Nix-  
dorf—5.

ABSENT WITHOUT LEAVE—Messrs. Adams,  
Bunce, Bush, Clover, Davis of New Madrid,  
Davis of Nodaway, Dodson, Ellis, Filley,  
Foster, Gamble, Grammer, Holland, Hus-  
mann, Mack, Martin, Owens, Rankin, and  
Smith of Worth—19.

SICK—Messrs. Cowden and Mitchell—2.

So the resolution was not laid on the table.

The question then being on the passage of  
the resolution of Mr. Drake, he demanded  
the ayes and noes thereon; and the vote  
being taken, stood as follows:

AYES—Messrs. Barr, Bonham, Budd,  
Childress, D'Oench, Drake, Evans, Fulker-  
son, Gilbert of Lawrence, Henderson, Hold-  
sworth, Linton, Peck, Switzler, and Williams  
of Scotland—15.

NOES—Messrs. Bedford, Esther, Fletcher,  
Folmsbee, Foster, Gilstrap, Green, Hol-  
comb, Hume, King, Leonard, McKernan,  
McPherson, Meyer, Rohrer, St. Gem, Smith  
of Mercer, Strong, Sutton, Swearingen,  
Thilenius, Weatherby, Williams of Caldwell,  
and Mr. President—24.

ABSENT WITH LEAVE—Messrs. Gilbert of  
Platte, Hughes, . Morton, Newgent, and Nix-  
dorf—5.

ABSENT WITHOUT LEAVE—Messrs. Adams,  
Bunce, Bush, Clover, Davis of New Madrid,  
Davis of Nodaway, Dodson, Ellis, Filley,  
Gamble, Grammer, Holland, Husmann,  
Mack, Martin, Owens, Rankin, and Smith  
of Worth—18.

SICK—Messrs. Cowden and Mitchell—2.

So the resolution was rejected.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved.*, That the Secretary be authorized to retain the journal clerk for two weeks after the adjournment of the Convention, at the same rate of compensation heretofore allowed said clerk, to be paid by the Committee on Accounts.

Mr. STRONG offered the following resolution, which was adopted:

*Resolved.*, That the thanks of this Convention are due, and are hereby tendered, to

the loyal clergymen of St. Louis, for their attendance and services as chaplains of this body.

Mr. DRAKE offered the following resolution, which was adopted:

*Resolved.*, That the Secretary of this Convention be continued in office after the adjournment of the Convention, until he shall have completed the business thereof, in his department, but without any per-diem pay after this day.

On motion of Mr. DRAKE, the Convention adjourned *sine die*.



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## APPENDIX TO JOURNAL.

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# APPENDIX,

CONTAINING THE CONSTITUTION ADOPTED BY THE CONVENTION OF 1865, THE  
PROCLAMATIONS OF THE RATIFICATION THEREOF BY THE PEOPLE,  
AND THE ORDINANCES ADOPTED BY THE CONVENTION.

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## CONSTITUTION

OF THE STATE OF MISSOURI, AS REVISED, AMENDED, AND ADOPTED IN CONVENTION,  
BEGUN AND HELD AT THE CITY OF ST. LOUIS, ON THE SIXTH DAY OF  
JANUARY, EIGHTEEN HUNDRED AND SIXTY-FIVE.

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We, the people of the State of Missouri, grateful to Almighty God, the Sovereign Ruler of nations, for our State government, our liberties, and our connection with the American Union, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this revised and amended Constitution:

### ARTICLE I.

#### DECLARATION OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

1. That we hold it to be self-evident, that all men are endowed by their Creator with certain inalienable rights, among which are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness;
2. That there can not be, in this State, either slavery or involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted;
3. That no person can, on account of color, be disqualified as a witness; or be disabled to contract, otherwise than as others are disabled; or be prevented from acquiring, holding, and transmitting property; or be liable to any other punishment, for any offense, than that imposed upon others for a like offense; or be restricted in the exercise of religious worship; or be hindered in acquiring education; or be subjected, in law, to

any other restraints or disqualifications, in regard to any personal rights, than such as are laid upon others under like circumstances:

4. That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole:

5. That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States:

6. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said Nation, ought to be resisted with the whole power of the State:

7. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States; and that no law or ordinance of this State, in contravention or subversion thereof, can have any binding force:

8. That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance; and that their right to bear arms in defense of themselves, and of the lawful authority of the State, can not be questioned:

9. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying, or from serving as a juror; that no human authority can control or interfere with the rights of conscience; and that no person ought, by any law, to be molested in his person or estate on account of his religious persuasion or profession; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace, or safety of the State, or with the rights of others:

10. That no person can be compelled to erect, support, or attend any place of worship, or to maintain any minister of the Gospel or teacher of religion; but whatever contracts any person may enter into for any such object ought, in law, to be binding and capable of enforcement, as other contracts:

11. That no preference can ever be given, by law, to any church, sect, or mode of worship:

12. That no religious corporation can be established in this State; except that, by a general law, uniform throughout the State, any church, or religious society, or congregation, may become a body corporate, for the sole purpose of acquiring, holding, using, and disposing of so much land as may be required for a house of public worship, a chapel, a parsonage, and a burial ground; and managing the same, and contracting in relation to such land, and the buildings thereon, through a board of trustees, selected by themselves; but the quantity of land to be held by any such body corporate, in connection with a house of worship or a parsonage, shall not exceed five acres in the country, or one acre in a town or city:

13. That every gift, sale, or devise of land to any minister, public teacher, or preacher of the Gospel, as such, or to any religious sect, order, or denomination; or to or for the support, use, or benefit of, or in trust for, any minister, public teacher, or preacher of the Gospel, as such, or any religious sect, order, or denomination; and every gift or sale of goods or chattels to go in succession, or to take place after the death of the seller or donor, to or for such support, use, or benefit; and also every devise of goods or chattels, to or for the support, use, or benefit of any minister, public teacher, or preacher of the Gospel, as such, or any religious sect, order, or denomination, shall be void; except always any gift, sale, or devise of land to a church, religious society or congregation, or to any person or persons in trust for the use of a church, religious society or congregation,

whether incorporated or not, for the uses and purposes, and within the limitations, of the next preceding clause of this article:

14. That all elections ought to be free and open:
15. That courts of justice ought to be open to every person, and certain remedy afforded for every injury to person, property, or character; and that right and justice ought to be administered without sale, denial, or delay:
16. That no private property ought to be taken or applied to public use, without just compensation:
17. That the right of trial by jury shall remain inviolate:
18. That in all criminal prosecutions the accused has the right to be heard by himself and his counsel; to demand the nature and cause of accusation; to have compulsory process for witnesses in his favor; to meet the witnesses against him face to face; and in prosecutions on presentment or indictment, to a speedy trial by an impartial jury of the vicinage; that the accused can not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, but by the judgment of his peers, or the law of the land:
19. That no person, after having been once acquitted by a jury, can, for the same offense, be again put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had, may, in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of said court:
20. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great:
21. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted:
22. That the privilege of the writ of *habeas corpus* can not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it:
23. That the people ought to be secure in their persons, papers, houses and effects, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, can issue, without describing the place to be searched, or the person or thing to be seized, as nearly as may be; nor without probable cause, supported by oath or affirmation:
24. That no person can, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in the time of war or public danger, or, by leave of court, for oppression or misdemeanor in office:
25. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort:
26. That no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood; that there can be no forfeiture of estate for any crime, except treason; and that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death:
27. That the free communication of thoughts and opinions is one of the invaluable rights of man, and that every person may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty; that in all prosecutions for libel, the truth thereof may be given in evidence, and the jury may determine the law and the facts, under the direction of the court:
28. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, can be passed:
29. That imprisonment for debt can not exist in this State, except for fines or penalties imposed for violation of law:
30. That all property subject to taxation ought to be taxed in proportion to its value:
31. That no title of nobility, or hereditary emolument, privilege, or distinction, can be granted:

32. That the military is, and in all cases and at all times ought to be, in strict subordination to the civil power; that no soldier can, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in such manner as may be prescribed by law; nor can any appropriation for the support of an army be made for a longer period than two years.

## ARTICLE II.

### RIGHT OF SUFFRAGE.

**SECTION 1.** All elections by the people shall be by ballot. No election shall continue longer than one day, except as provided in the twenty-first section of this Article.

**SEC. 2.** General Elections shall be held biennially, on the Tuesday next after the first Monday in November. The first general election under this Constitution shall be held on that day, in the year one thousand eight hundred and sixty-six. Should Congress direct the appointment of electors of President and Vice President of the United States on any other day than that now established, the General Assembly may change the time of holding general elections, so as to provide for holding them on the day which may be designated by Congress for that purpose, and on the corresponding day two years thereafter. No special election, State, county, or municipal, shall be appointed to be held on a Monday.

**SEC. 3.** At any election held by the people under this Constitution, or in pursuance of any law of this State, or under any ordinance or by-law of any municipal corporation, no person shall be deemed a qualified voter, who has ever been in armed hostility to the United States, or to the lawful authorities thereof, or to the Government of this State; or has ever given aid, comfort, countenance, or support to persons engaged in any such hostility; or has ever, in any manner, adhered to the enemies, foreign or domestic, of the United States, either by contributing to them, or by unlawfully sending within their lines, money, goods, letters, or information; or has ever disloyally held communication with such enemies; or has ever advised or aided any person to enter the service of such enemies; or has ever, by act or word, manifested his adherence to the cause of such enemies, or his desire for their triumph over the arms of the United States, or his sympathy with those engaged in exciting or carrying on rebellion against the United States; or has ever, except under overpowering compulsion, submitted to the authority, or been in the service, of the so-called "Confederate States of America;" or has left this State, and gone within the lines of the armies of the so-called "Confederate States of America," with the purpose of adhering to said States or armies; or has ever been a member of, or connected with, any order, society, or organization, inimical to the Government of the United States, or to the Government of this State; or has ever been engaged in guerrilla warfare against loyal inhabitants of the United States, or in that description of marauding commonly known as "bushwhacking;" or has ever knowingly and willingly harbored, aided, or countenanced, any person so engaged; or has ever come into or left this State for the purpose of avoiding enrollment for or draft into the military service of the United States; or has ever, with a view to avoid enrollment in the militia of this State, or to escape the performance of duty therein, or for any other purpose, enrolled himself, or authorized himself to be enrolled, by or before any officer, as disloyal, or as a Southern sympathizer, or in any other terms indicating his disaffection to the Government of the United States in its contest with rebellion, or his sympathy with those engaged in such rebellion; or, having ever voted at any election by the people in this State, or in any other of the United States, or in any of their Territories, or held office in this State, or in any other of the United States, or in any of their Territories, or under the United States, shall thereafter have sought or received, under claim of alienage, the protection of any foreign government, through any consul or other officer thereof, in order to secure exemption from military duty in the militia of this State, or in the army of the United States; nor shall any such person be capable of holding, in this State, any office of honor, trust, or profit, under its authority; or of being an officer, councilman, director, trustee, or other manager of

any corporation, public or private, now existing or hereafter established by its authority; or of acting as a professor or teacher in any educational institution, or in any common or other school; or of holding any real estate, or other property, in trust for the use of any church, religious society, or congregation. But the foregoing provisions in relation to acts done against the United States shall not apply to any person not a citizen thereof, who shall have committed such acts while in the service of some foreign country at war with the United States, and who has, since such acts, been naturalized, or may hereafter be naturalized, under the laws of the United States; and the oath of loyalty hereinafter prescribed, when taken by such person, shall be considered as taken in such sense.

SEC. 4. The General Assembly shall immediately provide by law for a complete and uniform registration, by election districts, of the names of qualified voters in this State; which registration shall be evidence of the qualification of all registered voters to vote at any election thereafter held; but no person shall be excluded from voting at any election, on account of not being registered, until the General Assembly shall have passed an act of registration, and the same shall have been carried into effect; after which no person shall vote unless his name shall have been registered at least ten days before the day of the election; and the fact of such registration shall be not otherwise shown than by the register, or an authentic copy thereof, certified to the judges of election by the registering officer or officers, or other constituted authority. A new registration shall be made within sixty days next preceding the tenth day prior to every biennial general election; and after it shall have been made, no person shall establish his right to vote by the fact of his name appearing on any previous register.

SEC. 5. Until such a system of registration shall have been established, every person shall, at the time of offering to vote, and before his vote shall be received, take an oath in the terms prescribed in the next succeeding section. After such a system shall have been established, the said oath shall be taken and subscribed by the voter at each time of his registration. Any person declining to take said oath shall not be allowed to vote, or to be registered as a qualified voter. The taking thereof shall not be deemed conclusive evidence of the right of the person to vote, or to be registered as a voter; but such right may, notwithstanding, be disproved. And, after a system of registration shall have been established, all evidence for and against the right of any person as a qualified voter shall be heard and passed upon by the registering officer or officers, and not by the judges of election. The registering officer or officers shall keep a register of the names of persons rejected as voters, and the same shall be certified to the judges of election; and they shall receive the ballot of any such rejected voter offering to vote, marking the same, and certifying the vote thereby given as rejected; but no such vote shall be received unless the party offering it take, at the time, the oath of loyalty hereinafter prescribed.

SEC. 6. The oath to be taken as aforesaid shall be known as the Oath of Loyalty, and shall be in the following terms:

“I, A. B., do solemnly swear, that I am well acquainted with the terms of the third section of the second Article of the Constitution of the State of Missouri, adopted in the year eighteen hundred and sixty-five, and have carefully considered the same; that I have never, directly or indirectly, done any of the acts in said section specified; that I have always been truly and loyally on the side of the United States against all enemies thereof, foreign and domestic; that I will bear true faith and allegiance to the United States, and will support the Constitution and laws thereof, as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding; that I will, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed or overthrown, under any circumstances, if in my power to prevent it; that I will support the Constitution of the State of Missouri; and that I make this oath without any mental reservation or evasion, and hold it to be binding on me.”

SEC. 7. Within sixty days after this Constitution takes effect, every person in this State holding any office of honor, trust, or profit under the Constitution or laws thereof, or

under any municipal corporation, or any of the other offices, positions, or trusts mentioned in the third section of this Article, shall take and subscribe the said oath. If any officer or person referred to in this section shall fail to comply with the requirements thereof, his office, position, or trust, shall, *ipso facto*, become vacant, and the vacancy shall be filled according to the law governing the case.

SEC. 8. No vote in any election by the people shall be cast up for, nor shall any certificate of election be granted to, any person who shall not, within fifteen days next preceding such election, have taken, subscribed, and filed said oath.

SEC. 9. No person shall assume the duties of any State, county, city, town, or other office, to which he may be appointed, otherwise than by a vote of the people; nor shall any person, after the expiration of sixty days after this Constitution takes effect, be permitted to practise as an attorney or counselor at law; nor, after that time, shall any person be competent as a bishop, priest, deacon, minister, elder, or other clergyman of any religious persuasion, sect, or denomination, to teach, or preach, or solemnize marriages, unless such person shall have first taken, subscribed, and filed said oath.

SEC. 10. Oaths taken in pursuance of the seventh, eighth, and ninth sections of this Article shall be filed, as follows: By a State civil officer, or a candidate for a State civil office, and by members and officers of the present General Assembly, in the office of the Secretary of State; by a military officer, in the office of the Adjutant General; by a candidate for either house of the General Assembly, in the clerk's office of the County Court of the county of his residence, or in that of the county where the vote of the district is required by law to be cast up, and the certificate of election granted; by a city or town officer, in the office where the archives of such city or town are kept; and in all other cases, in the office of the clerk of the County Court of the county of the person's residence.

SEC. 11. Every court in which any person shall be summoned to serve as a grand or petit juror, shall require him, before he is sworn as a juror, to take said oath in open court; and no person refusing to take the same shall serve as a juror.

SEC. 12. If any person shall declare that he has conscientious scruples against taking an oath, or swearing in any form, the said oath may be changed into a solemn affirmation, and be made by him in that form.

SEC. 13. In addition to the oath of loyalty aforesaid, every person who may be elected or appointed to any office shall, before entering upon its duties, take and subscribe an oath or affirmation that he will, to the best of his skill and ability, diligently and faithfully, without partiality or prejudice, discharge the duties of such office according to the Constitution and laws of this State.

SEC. 14. Whoever shall, after the times limited in the seventh and ninth sections of this Article, hold or exercise any of the offices, positions, trusts, professions, or functions therein specified, without having taken, subscribed, and filed said oath of loyalty, shall, on conviction thereof, be punished by fine not less than five hundred dollars, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment; and whoever shall take said oath falsely, by swearing or by affirmation, shall, on conviction thereof, be adjudged guilty of perjury, and be punished by imprisonment in the penitentiary not less than two years.

SEC. 15. Whoever shall be convicted of having, directly or indirectly, given or offered any bribe to procure his election or appointment to any office, shall be disqualified for any office of honor, trust, or profit, under this State; and whoever shall give or offer any bribe to procure the election or appointment of any other person to any office, shall, on conviction thereof, be disqualified for a voter, or any office of honor, trust or profit under this State, for ten years after such conviction.

SEC. 16. No officer, soldier, or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State.

SEC. 17. No person who shall make, or become, directly or indirectly, interested in, any bet or wager depending upon the result of any election, shall vote at such election.

SEC. 18. Every white male citizen of the United States, and every white male person of foreign birth who may have declared his intention to become a citizen of the United States,

according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, who is not disqualified by or under any of the provisions of this Constitution, and who shall have complied with its requirements, and have resided in this State one year next preceding any election, or next preceding his registration as a voter, and during the last sixty days of that period shall have resided in the county, city, or town where he offers to vote, or seeks registration as a voter, shall be entitled to vote at such election for all officers, State, county, or municipal, made elective by the people; but he shall not vote elsewhere than in the election district of which he is at the time a resident, or, after a system of registration of votes shall have been established, in the election district where his name is registered; except as provided in the twenty-first section of this Article.

SEC. 19. After the first day of January, one thousand eight hundred and seventy-six, every person who was not a qualified voter prior to that time, shall, in addition to the other qualifications required, be able to read and write, in order to become a qualified voter; unless his inability to read or write shall be the result of a physical disability.

SEC. 20. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student in any seminary of learning; nor while kept at any poorhouse or other asylum at public expense; nor while confined in any public prison.

SEC. 21. Any qualified voter, under the eighteenth section of this Article, who may be absent from the place of his residence by reason of being in the volunteer army of the United States, or in the militia force of this State, in the service thereof, or of the United States, whether within or without the State, shall, without registration, be entitled to vote in any election occurring during such absence. The votes of all such persons, wherever they may be, may be taken on the day fixed by law for such election, or on any day or days within twenty days next prior thereto; and the General Assembly shall provide, by law, for the taking, return, and counting of such votes. Every such person shall take the same oath that all other voters may be required to take, in order to vote.

SEC. 22. Voters shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their continuance at elections, and in going to and returning from the same.

SEC. 23. Any person who may, at any time, have done any act which, under the third section of this Article, has disqualified or may disqualify him as therein expressed, and who shall, after the commission of such act, have voluntarily entered the military service of the United States, and have been honorably discharged therefrom, and, after such discharge, have demeaned himself in all respects as a loyal and faithful citizen, may be relieved from such disqualification. In order thereto, he shall, in person, present his petition to the Circuit Court of the county of his residence, stating specifically the act or acts which produced such disqualification, and the grounds upon which he prays to be relieved therefrom; and the court shall set a day for hearing the cause, not less than five days after the presentation of the petition; when, if it appear by competent proof that the petitioner is justly entitled to the relief prayed for, the court shall make a decree removing such disqualification. But any act done by such person after the date of such decree, which would impose a disqualification under said third section of this Article, shall make such decree null and void, and remit him to his previous condition of disqualification; and no such decree shall be granted a second time in his favor.

SEC. 24. After any person shall have been so relieved by the decree of a Circuit Court, he shall, in order to vote, or hold any of the offices, positions, or trusts, or exercise any of the privileges or functions hereinbefore specified, take the oath of loyalty aforesaid, except the part thereof which refers to the third section of this Article and to the past acts or loyalty of the person taking the oath.

SEC. 25. After the first day of January, one thousand eight hundred and seventy-one, and until the date hereinafter named, the General Assembly shall have power, if a majority

of all the members elected to both houses concur therein, to suspend or repeal any part of the third, fifth, and sixth sections of this Article, so far as the same relate to the qualifications of voters, but no farther. After the first day of January, one thousand eight hundred and seventy-five, the General Assembly may wholly suspend or repeal the third, fourth, fifth, sixth, eighth, ninth, tenth, eleventh and twelfth sections of this Article, or any part thereof, if a like majority of both houses concur therein. But no such suspension or repeal shall have the effect of dispensing with the taking, by every person elected or appointed to any office in this State, of so much of the oath of loyalty aforesaid as follows the word "domestic." On the passage of any bill suspending or repealing any of said sections, or any part thereof, the votes of both houses shall be taken by yeas and nays, and entered on the journals of the houses, respectively. The General Assembly shall also have power, at any time, to remove any such suspension or repeal, and reinstate the provisions suspended or repealed in full force and effect as a part of this Constitution. Every suspension or repeal made in pursuance of this section shall be general in its terms, and not in any case in favor of any named person; but the General Assembly may except from the benefit of such suspension or repeal any person, or class of persons, it may see fit.

**SEC. 26.** The General Assembly shall provide for the exclusion from every office of honor, trust, or profit within this State, and from the right of suffrage, of any person convicted of bribery, perjury, or other infamous crime.

### ARTICLE III.

#### DISTRIBUTION OF POWERS.

The powers of government shall be divided into three distinct departments, each of which shall be confided to a separate magistracy; and no person charged with the exercise of powers properly belonging to one of those departments shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

### ARTICLE IV.

#### LEGISLATIVE DEPARTMENT.

**SECTION 1.** The legislative power shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

**SEC. 2.** The House of Representatives shall consist of members to be chosen, every second year, by the qualified voters of the several counties, and apportioned in the following manner: The ratio of representation shall be ascertained at each apportioning session of the General Assembly, by dividing the whole number of permanent inhabitants of the State by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative; each county having three times said ratio shall be entitled to two Representatives; each county having six times said ratio shall be entitled to three Representatives; and so on above that number, giving one additional member for every three additional ratios. When any county shall be entitled to more than one Representative, the County Court shall cause such county to be subdivided into as many compact and convenient districts as such county may be entitled to Representatives; which districts shall be, as near as may be, of equal population; and the qualified voters of each of such districts shall elect one Representative, who shall be a resident of such district.

**SEC. 3.** No person shall be a member of the House of Representatives who shall not have attained the age of twenty-four years; who shall not be a white male citizen of the United States; who shall not have been a qualified voter of this State two years, and an inhabitant of the county which he may be chosen to represent one year, next before the day of his election, if such county shall have been so long established; but if not, then of the county from which the same shall have been taken; and who shall not have paid a State and county tax.

SEC. 4. The Senate shall consist of thirty-four members, to be chosen by the qualified voters for four years; for the election of whom the State shall be divided into convenient districts.

SEC. 5. No person shall be a Senator who shall not have attained the age of thirty years; who shall not be a white male citizen of the United States; who shall not have been a qualified voter of this State three years, and an inhabitant of the district which he may be chosen to represent one year, next before the day of his election, if such district shall have been so long established; but if not, then of the district or districts from which the same shall have been taken; and who shall not have paid a State and county tax. When any county shall be entitled to more than one Senator, the County Court shall cause such county to be subdivided into as many compact and convenient districts as such county may be entitled to Senators; which districts shall be, as near as may be, of equal population; and the qualified voters of each of such districts shall elect one Senator, who shall be a resident of such district.

SEC. 6. Senators shall be apportioned among their respective districts, as nearly as may be, according to the number of permanent inhabitants in each.

SEC. 7. Senators and Representatives shall be chosen according to the rule of apportionment established in this Constitution, until the next decennial census taken by the United States shall have been made, and the result thereof as to this State ascertained, when the apportionment shall be revised and adjusted on the basis of that census. In the year one thousand eight hundred and seventy-six, and every tenth year thereafter, there shall be taken, under the authority of this State, a census of the inhabitants thereof; and after every such census the apportionment of Senators and Representatives may be based thereon, until the next succeeding National census; after which it may be based upon the National census, until the next succeeding decennial State census; and so on, from time to time, the enumerations made by the United States and this State shall be used, as they respectively occur, as the basis of apportionment.

SEC. 8. Senatorial and Representative districts may be altered, from time to time, as public convenience may require. When any Senatorial district shall be composed of two or more counties, they shall be contiguous.

SEC. 9. The first election of Senators and Representatives under this Constitution shall be held at the general election in the year one thousand eight hundred and sixty-six, when the whole number of Senators and Representatives shall be chosen.

SEC. 10. At the regular session of the General Assembly chosen at said election, the Senators shall be divided into two equal classes. Those elected from districts bearing odd numbers shall compose the first class, and those elected from districts bearing even numbers shall compose the second class. The seats of the first class shall be vacated at the end of the second year after the day of said election, and those of the second class at the end of the fourth year after that day; so that one-half of the Senators shall be chosen every second year. In districting any county for the election of Senators, the districts shall be numbered so as to effectuate the division of Senators into classes, as required in this section.

SEC. 11. No member of Congress, or person holding any lucrative office under the United States or this State (militia officers, justices of the peace, and notaries public excepted), shall be eligible to either house of the General Assembly, or shall remain a member thereof after having accepted any such office, or a seat in either house of Congress.

SEC. 12. No person who now is, or may hereafter be, a collector or holder of public money, or assistant or deputy of such collector or holder of public money, shall be eligible to either house of the General Assembly until he shall have accounted for and paid all sums for which he may be accountable.

SEC. 13. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

SEC. 14. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the General Assembly.

**SEC. 15.** No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office under this State which shall have been created, or the emoluments of which shall have been increased, during his continuance in office as a Senator or Representative, except to such offices as shall be filled by elections of the people.

**SEC. 16.** Senators and Representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and for fifteen days next before the commencement and after the termination of each session; and for any speech or debate in either house they shall not be questioned in any other place.

**SEC. 17.** The members of the General Assembly shall severally receive from the public Treasury such compensation for their services as may, from time to time, be provided by law; but no law increasing such compensation shall take effect in favor of the members of the General Assembly by which the same shall have been passed.

**SEC. 18.** A majority of the whole number of members of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

**SEC. 19.** Each house shall appoint its own officers; shall judge of the qualifications, elections, and returns of its own members; may determine the rules of its proceedings; may arrest and punish, by fine not exceeding three hundred dollars, or by imprisonment in a county jail not exceeding ten days, or both, any person not a member who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence, during its session; may punish its members for disorderly behavior; and, with the concurrence of two-thirds of all the members elected, may expel a member; but no member shall be expelled a second time for the same cause.

**SEC. 20.** Each house shall, from time to time, publish a journal of its proceedings, except such parts thereof as may, in its opinion, require secrecy; and the yeas and nays on any question shall be taken, and entered on the journal, at the desire of any two members. Whenever the yeas and nays are demanded, the whole list of members shall be called, and the names of absentees shall be noted, and published with the journal.

**SEC. 21.** The sessions of each house shall be held with open doors, except in cases which may require secrecy.

**SEC. 22.** Neither house shall, without the consent of the other, adjourn for more than two days at any one time, nor to any other place than that in which the two houses may be sitting.

**SEC. 23.** Bills may originate in either house, and may be altered, amended, or rejected by the other; and every bill shall be read on three different days in each house, unless two-thirds of the house, where the same is pending, shall dispense with this rule; and every bill, having passed both houses, shall be signed by the Speaker of the House of Representatives, and by the President of the Senate.

**SEC. 24.** No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon the last reading; and the yeas and nays shall be taken thereon and entered upon the journal.

**SEC. 25.** No act shall be revived or re-enacted by mere reference to the title thereof; nor shall any act be amended by providing that designated words thereof shall be struck out, or that designated words shall be struck out and others inserted in lieu thereof; but in every such case the act revived or re-enacted, or the act or part of act amended, shall be set forth and published at length, as if it were an original act or provision.

**SEC. 26.** The style of the laws of this State shall be—“*Be it enacted by the General Assembly of the State of Missouri, as follows.*”

**SEC. 27.** The General Assembly shall not pass special laws divorcing any named parties; or declaring any named person of age; or authorizing any named minor to sell, lease, or encumber his or her property; or providing for the sale of the real estate of any

named minor or other person, laboring under legal disability, by any executor, administrator, guardian, trustee, or other person; or changing the name of any person; or establishing, locating, altering the course, or affecting the construction of roads, or the building or repairing of bridges; or establishing, altering, or vacating any street, avenue, or alley in any city or town; or extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties; or giving effect to informal or invalid wills or deeds; or legalizing, except as against the State, the unauthorized or invalid acts of any officer; or granting to any individual or company the right to lay down railroad tracks in the streets of any city or town; or exempting any property of any named person or corporation from taxation. The General Assembly shall pass no special law for any case for which provision can be made by a general law; but shall pass general laws providing, so far as it may deem necessary, for the cases enumerated in this section, and for all other cases where a general law can be made applicable.

SEC. 28. The General Assembly shall never authorize any lottery; nor shall the sale of lottery tickets be allowed; nor shall any lottery heretofore authorized be permitted to be drawn, or tickets therein to be sold.

SEC. 29. The General Assembly shall have no power to make compensation for emancipated slaves.

SEC. 30. The General Assembly shall have no power to remove the county seat of any county, unless two-thirds of the qualified voters of the county, at a general election, shall vote in favor of such removal. No compensation or indemnity for real estate, or the improvements thereon, affected by such removal, shall be allowed.

SEC. 31. The General Assembly shall have no power to establish any new county with a territory of less than five hundred square miles, or with a population less than the ratio of representation existing at the time; nor to reduce any county now established to less than that area, or to less population than such ratio.

SEC. 32. No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title; but if any subject embraced in an act be not expressed in the title, such act shall be void only as to so much thereof as is not so expressed.

SEC. 33. The General Assembly shall direct, by law, in what manner, and in what courts, suits may be brought against the State.

SEC. 34. When any officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house, the votes shall be publicly given *viva voce*, and entered on the journals.

SEC. 35. The General Assembly, elected in the year one thousand eight hundred and sixty-six, shall meet on the first Wednesday of January, one thousand eight hundred and sixty-seven; and thereafter the General Assembly shall meet, in regular session, once in every two years; and such meeting shall be on the first Wednesday of January, unless a different day be fixed by law.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power shall be vested in a chief magistrate, who shall be styled "*The Governor of the State of Missouri.*"

SEC. 2. The Governor shall be at least thirty-five years old, a white male citizen of the United States ten years, and a resident of this State seven years, next before his election.

SEC. 3. The Governor elected at the general election in the year one thousand eight hundred and sixty-eight, and each Governor thereafter elected, shall hold his office two years, and until a successor be duly elected and qualified. At the time and place of voting for members of the House of Representatives, the qualified voters shall vote for a Governor; and when two or more persons have an equal number of votes, and a higher number than any other person, the election shall be decided between them by a joint vote of both houses of the General Assembly, at their next session.

SEC. 4. The Governor shall not be eligible to office more than four years in six.

SEC. 5. The Governor shall be commander-in-chief of the militia of this State, except when they shall be called into the service of the United States; but he need not command in person, unless advised to do so by a resolution of the General Assembly.

SEC. 6. The Governor shall have the power to grant reprieves, commutations, and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall, at each session of the General Assembly, communicate to that body each case of reprieve, commutation, or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the commutation, pardon, or reprieve, and the reasons for granting the same. He shall take care that the laws be distributed and faithfully executed; and shall be a conservator of the peace throughout the State.

SEC. 7. The Governor shall, from time to time, give to the General Assembly information relative to the state of the Government, and shall recommend to their consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the General Assembly by proclamation, wherein he shall state specifically each matter concerning which the action of that body is deemed necessary; and the General Assembly shall have no power, when so convened, to act upon any matter not so stated in the proclamation.

SEC. 8. When any office shall become vacant, the Governor, unless otherwise provided by law, shall appoint a person to fill such vacancy, who shall continue in office until a successor shall be duly elected or appointed, and qualified, according to law.

SEC. 9. Every bill which shall have been passed by both houses of the General Assembly, before it becomes a law shall be presented to the Governor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated; and the house shall cause the objections to be entered at large on its journals, and shall proceed to reconsider the bill. After such reconsideration, if a majority of all the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall, in like manner, be reconsidered; and if approved by a majority of all the members elected to that house, it shall become a law. In all such cases the votes of both houses shall be taken by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house, respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if the Governor had signed it, unless the General Assembly, by its adjournment, shall prevent its return; in which case it shall not become a law, unless the Governor, after such adjournment, and within ten days after the bill was presented to him (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State; in which case it shall become a law, in like manner as if it had been signed by him during the session of the General Assembly.

SEC. 10. Every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, of going into joint session, and of amending this Constitution, shall be presented to the Governor; and, before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill.

SEC. 11. The Governor shall, at stated times, receive for his services an adequate salary, to be fixed by law; which shall neither be increased nor diminished during his continuance in office.

SEC. 12. There shall be a Lieutenant Governor, who shall be elected at the same time, in the same manner, for the same term, and shall possess the same qualifications, as the Governor.

SEC. 13. The Lieutenant Governor, by virtue of his office, shall be President of the Senate. In Committee of the Whole, he may debate on all questions; and, when there is

an equal division, shall give the casting vote in the Senate, and also in joint vote of both houses.

SEC. 14. When the office of Governor shall become vacant, by death, resignation, removal from the State, removal from office, refusal to qualify, or otherwise, the Lieutenant Governor shall perform the duties, possess the powers, and receive the compensation of the Governor, during the remainder of the term for which the Governor was elected. When the Governor is absent from the State, or is unable, from sickness, to perform his duties, or is under impeachment, the Lieutenant Governor shall perform said duties, possess said powers, and receive said compensation, until the Governor return to the State, be enabled to resume his duties, or be acquitted. If there be no Lieutenant Governor, or if he be absent from the State, disabled by sickness, or under impeachment, the President of the Senate *pro tempore*, or, in case of like absence or disability on his part, or of there being no President of the Senate *pro tempore*, the Speaker of the House of Representatives, shall assume the office of Governor, in the same manner, and with the same powers and compensation, as are prescribed in the case of the office devolving on the Lieutenant Governor.

SEC. 15. The Lieutenant Governor, or the President of the Senate *pro tempore*, while presiding in the Senate, shall receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

SEC. 16. There shall be a Secretary of State, a State Auditor, a State Treasurer, and an Attorney General, who shall be elected by the qualified voters of the State, at the same time, in the same manner, and for the same term of office, as the Governor. No person shall be eligible to either of said offices, unless he be a white male citizen of the United States, and at least twenty-five years old, and shall have resided in this State five years next before his election. The Secretary of State, the State Auditor, the State Treasurer, and the Attorney General, shall keep their respective offices at the seat of Government, and shall perform such duties as may be required of them by law.

SEC. 17. The returns of all elections of Governor, Lieutenant Governor, and other State officers, shall be made to the Secretary of State, in such manner as may be prescribed by law.

SEC. 18. Contested elections of Governor and Lieutenant Governor shall be decided by joint vote of both houses of the General Assembly, in such manner as may be prescribed by law.

SEC. 19. Contested elections of Secretary of State, State Auditor, State Treasurer, and Attorney General, shall be decided before such tribunal, and in such manner, as may be by law provided.

SEC. 20. The Secretary of State shall be the custodian of the seal of State, and shall authenticate therewith all official acts of the Governor, his approbation of laws excepted. The said seal shall be call the "*Great Seal of the State of Missouri;*" and the emblems and devices thereof, heretofore prescribed by law, shall not be subject to change.

SEC. 21. The Secretary of State shall keep a register of the official acts of the Governor, and, when necessary, shall attest them; and shall lay copies of the same, together with copies of all papers relating thereto, before either house of the General Assembly, whenever required to do so.

SEC. 22. There shall be elected, by the qualified voters in each county, at the time and places of electing Representatives, a sheriff and a coroner. They shall serve for two years, and until a successor be duly elected and qualified, unless sooner removed for malfeasance in office, and shall be ineligible four years in any period of eight years. Before entering on the duties of their office they shall give security in such amount, and in such manner, as shall be prescribed by law. Whenever a county shall be hereafter established, the Governor shall appoint a sheriff and a coroner therein, who shall continue in office until the next succeeding general election, and until a successor shall be duly elected and qualified.

SEC. 23. Whenever a vacancy shall happen in the office of sheriff or coroner, the same shall be filled by the County Court. If such vacancy happen in the office of sheriff more

than nine months prior to the time of holding a general election, such County Court shall immediately order a special election to fill the same; and the person by it appointed shall hold office until the person chosen at such election shall be duly qualified; otherwise the person appointed by such County Court shall hold office until the person chosen at such general election shall be duly qualified. If any vacancy happen in the office of coroner, the same shall be filled, for the remainder of the term, by such County Court. No person elected or appointed to fill a vacancy in either of said offices shall thereby be rendered ineligible for the next succeeding term.

SEC. 24. In all elections for sheriff and coroner, when two or more persons have an equal number of votes, and a higher than any other person, the presiding judge of the County Court of the county shall give the casting vote; and all contested elections for the said offices shall be decided by the Circuit Court of the proper county, in such manner as the General Assembly may, by law, prescribe.

SEC. 25. The Governor shall commission all officers not otherwise provided by law. All commissions shall run in the name and by the authority of the State of Missouri, be sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 26. The appointment of all officers, not otherwise directed by this Constitution, shall be made in such manner as may be prescribed by law.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power, as to matters of law and equity, shall be vested in a Supreme Court, in District Courts, in Circuit Courts, and in such inferior tribunals as the General Assembly may, from time to time, establish.

SEC. 2. The Supreme Court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be coextensive with the State, under the restrictions and limitations in this Constitution provided.

SEC. 3. The Supreme Court shall have a general superintending control over all inferior courts of law. It shall have power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, and other original remedial writs, and to hear and determine the same.

SEC. 4. The Supreme Court shall consist of three judges, any two of whom shall be a quorum; and the said judges shall be conservators of the peace throughout the State.

SEC. 5. The State shall be divided into convenient districts, not to exceed four, in each of which the Supreme Court shall be held, at such time and place as the General Assembly may appoint; and, when sitting in either district, it shall exercise jurisdiction over causes originating in that district only; but the General Assembly may direct, by law, that the said court shall be held at one place only.

SEC. 6. The judges of the Supreme Court shall hold office for the term of six years, and until their successors shall be duly elected and qualified, except as hereinafter provided.

SEC. 7. At the general election in the year one thousand eight hundred and sixty-eight, all the judges of the Supreme Court shall be elected by the qualified voters of the State, and shall enter upon their office on the first Monday of January next ensuing. At the first session of the court thereafter, the judges shall, by lot, determine the duration of their several terms of office, which shall be, respectively, two, four, and six years; and shall certify the result to the Secretary of State. At the general election every two years after said first election, one judge of said court shall be elected, to hold office for the period of six years from the first Monday of January next ensuing. The judge having at any time the shortest term to serve shall be the presiding judge of the court.

SEC. 8. If a vacancy shall happen in the office of any judge of the Supreme Court, by death, resignation, removal out of the State, or other disqualification, the Governor shall appoint a suitable person to fill the vacancy until the next general election occurring more than three months after the happening of such vacancy, when the same shall be filled by election, by the qualified voters of the State, for the residue of the term.

SEC. 9. In case of a tie, or a contested election between the candidates, the same shall be determined in the manner prescribed by law.

SEC. 10. If, in regard to any cause pending in the Supreme Court, the judges sitting shall be equally divided in opinion, no judgment shall be entered therein based on such division; but the parties to the cause may agree upon some person, learned in the law, who shall act as special judge in the cause, and who shall therein sit with the court, and give decision, in the same manner and with the same effect as one of the judges. If the parties can not agree upon a special judge, the court shall appoint one.

SEC. 11. The judges of the Supreme Court shall give their opinion upon important questions of constitutional law, and upon solemn occasions, when required by the Governor, the Senate, or the House of Representatives; and all such opinions shall be published in connection with the reported decisions of said court.

SEC. 12. The State, except the county of St. Louis, shall be divided into not less than five districts, each of which shall embrace at least three judicial circuits; and in each district a court, to be known as the District Court, shall be held, at such times and places as may be provided by law. Each District Court shall be held by the judges of the Circuit Courts embraced in the district, a majority of whom shall be a quorum. The District Courts shall, within their respective districts, have like original jurisdiction with the Supreme Court, and appellate jurisdiction from the final judgments of the Circuit Courts, and of all inferior courts of record within the district, except Probate and County Courts. After the establishment of such District Courts, no appeal or writ of error shall lie from any Circuit Court, or inferior court of record, to the Supreme Court, but shall be prosecuted to the District Court, from the final judgments of which an appeal or writ of error may be taken to the Supreme Court, in such cases as may be provided by law.

SEC. 13. The Circuit Court shall have jurisdiction over all criminal cases which shall not be otherwise provided for by law; and exclusive original jurisdiction in all civil cases which shall not be cognizable before justices of the peace, until otherwise directed by the General Assembly. It shall hold its terms at such time and place, in each county, as may be by law directed.

SEC. 14. The State shall be divided into convenient circuits, of which the county of St. Louis shall constitute one, for each of which, except as in the next succeeding section specified, a judge shall be elected by the qualified voters of the respective circuits, and, except as hereinafter provided, shall be elected for the term of six years; but may continue in office until his successor shall be elected and qualified; and the judge of each circuit, after his election or appointment, as hereinafter provided, shall reside in, and be a conservator of the peace within, the circuit for which he shall be elected or appointed; and if any vacancy shall happen in the office of any circuit judge, by death, resignation, removal out of his circuit, or by any other disqualification, the Governor shall, upon being satisfied that a vacaney exists, issue a writ of election to fill such vacancy; provided that said vacaney shall happen at least six months before the next general election for said judge; but if such vacaney shall happen within six months of the general election aforesaid, the Governor shall appoint a judge for such circuit; but every election or appointment, to fill a vacancy, shall be for the residue of the term only. And the General Assembly shall provide, by law, for the election of said judges in their respective circuits; and in case of a tie, or contested election between the candidates, the same shall be determined in the manner to be prescribed by law. And the General Assemby shall provide, by law, for the election of said judges, in their respective circuits, to fill any vacaney which shall occur at any time at least six months before a general election for said judges. At the general election in the year one thousand eight hundred and sixty-eight, and at the general election every sixth year thereafter, except as hereinafter provided, all the circuit judges shall be elected, and shall enter upon their offices on the first Monday of January next ensuing. No judicial circuit shall be altered or changed at any session of the General Assembly next preceding the general election for said judges.

SEC. 15. From and after the first day of January, one thousand eight hundred and sixty-six, the Circuit Court of the county of St. Louis shall be composed of three judges, each of whom shall try causes separately, and all, or a majority of whom, shall constitute a court in bank, to decide questions of law, and to correct errors occurring in trials; and, from

and after that day, there shall not be in said county any other court of record having civil jurisdiction, except a Probate Court and a County Court. The additional judges of the Circuit Court of the county of St. Louis, authorized by this section, shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold their offices until the next general election of judges of Circuit Courts, when the whole number of the judges of said court shall be elected. At the first session of said court, after the judges thereof who may be elected in the year one thousand eight hundred and sixty-eight shall have assumed office, the said judges shall, by lot, determine the duration of their several terms of office, which shall be, respectively, two, four, and six years; and shall certify the result to the Secretary of State. At the general election every two years, after the election in that year, one judge of said court shall be elected, to hold office for the term of six years from the first Monday of January next ensuing. The General Assembly shall have power to increase the number of the judges of said court, from time to time, as the public interest may require. Any additional judges authorized shall hold office for the term of six years, and be elected at a general election, and enter on their office upon the first Monday of January next ensuing.

SEC. 16. The provisions contained in this Article, requiring an election to be held to fill a vacancy in the office of judges of the Supreme and Circuit Courts, shall have relation to vacancies occurring after the year one thousand eight hundred and sixty-eight; up to which time any such vacancy shall be filled by appointment by the Governor.

SEC. 17. If there be a vacancy in the office of judge of any circuit, or if he be sick, absent, or from any cause unable to hold any term of court of any county of his circuit, such term of court may be held by a judge of any other circuit; and at the request of the judge of any circuit, any term of court in his circuit may be held by the judge of any other circuit.

SEC. 18. No person shall be elected or appointed a judge of the Supreme Court, nor of a Circuit Court, before he shall have attained to the age of thirty years, and have been a citizen of the United States five years, and a qualified voter of this State three years.

SEC. 19. Any judge of the Supreme Court or the Circuit Court, may be removed from office, on the address of two-thirds of each house of the General Assembly to the Governor for that purpose; but each house shall state, on its respective journal, the cause for which it shall wish the removal of such judge, and give him notice thereof; and he shall have the right to be heard in his defense, in such manner as the General Assembly shall by law direct; but no judge shall be removed in this manner for any cause for which he might have been impeached.

SEC. 20. The judges of the Supreme Court, and the judges of the Circuit Courts, shall, at stated times, receive a compensation for their services, to be fixed by law, which shall not be diminished during the period for which they were elected.

SEC. 21. The Circuit Court shall exercise a superintending control over all such inferior tribunals as the General Assembly may establish, and over justices of the peace in each county in their respective circuits.

SEC. 22. The Supreme Court and the District Courts shall appoint their respective clerks. Clerks of all other courts of record shall be elected by the qualified voters of the county, at a general election, and shall hold office for the term of four years from and after the first Monday of January next ensuing, and until their successors are duly elected and qualified. The first election of such clerks, after the adoption of this Constitution, shall be at the general election in the year one thousand eight hundred and sixty-six; any existing law of this State to the contrary notwithstanding.

SEC. 23. Inferior tribunals, to be known as County Courts, shall be established in each county for the transaction of all county business. In such courts, or in such other tribunals inferior to the Circuit Courts as the General Assembly may establish, shall be vested the jurisdiction of all matters appertaining to probate business, to granting letters testamentary and of administration, to settling the accounts of executors, administrators and guardians, and to the appointment of guardians, and such other jurisdiction as may be conferred by law.

SEC. 24. No clerk of any court established by this Constitution, or by any law of this State, shall apply to his own use, from the fees and emoluments of his office, a greater sum than two thousand five hundred dollars for each year of his official term, after paying out of such fees and emoluments such amounts for deputies and assistants in his office as the court may deem necessary and may allow; but all surplus of such fees and emoluments over that sum, after paying the amounts so allowed, shall be paid into the county treasury for the use of the county. The General Assembly shall pass such laws as may be necessary to carry into effect the provisions of this section.

SEC. 25. In each county there shall be appointed, or elected, as many justices of the peace as the public good may be thought to require. Their powers and duties, and their duration in office, shall be regulated by law.

SEC. 26. All writs and process shall run, and all prosecutions shall be conducted, in the name of the "State of Missouri;" all writs shall be tested by the clerk of the court from which they shall be issued; and all indictments shall conclude "against the peace and dignity of the State."

## ARTICLE VII.

### IMPEACHMENTS.

SECTION 1. The Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, and all judges of the courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such case shall not extend farther than removal from office, and disqualification to hold any office of honor, trust, or profit under this State.

SEC. 2. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate; and when sitting for that purpose the Senators shall be on oath or affirmation to do justice according to law and evidence. When the Governor shall be tried, the presiding Judge of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators present.

## ARTICLE VIII.

### BANKS AND CORPORATIONS.

SECTION 1. No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation any notes, bills, or other paper, or the paper of any other bank, to circulate as money; and the General Assembly shall prohibit, by law, individuals and corporations from issuing bills, checks, tickets, promissory notes, or other paper, to circulate as money.

SEC. 2. No law shall be passed reviving or re-enacting any act heretofore passed creating any private corporation, where such corporation shall not have been organized, and commenced the transaction of its business, within one year from the time such act took effect, or within such other time as may have been prescribed in such act for such organization and commencement of business.

SEC. 3. The General Assembly shall, at its first session after this Constitution goes into effect, enact laws enabling any of the existing banks of issue to reorganize as national banks under the act of Congress; and shall also provide for the sale of the stock owned by this State in the Bank of the State of Missouri, upon such terms and conditions as shall be by law established.

SEC. 4. Corporations may be formed under general laws, but shall not be created by special acts, except for municipal purposes. All general laws and special acts passed pursuant to this section may be altered, amended, or repealed.

SEC. 5. No municipal corporations, except cities, shall be created by special act; and no city shall be incorporated with less than five thousand permanent inhabitants, nor unless the people thereof, by a direct vote upon the question, shall have decided in favor of such incorporation.

SEC. 6. Dues from private corporations shall be secured by such means as may be prescribed by law; but in all cases each stockholder shall be individually liable, over and above the stock by him or her owned, and any amount unpaid thereon, in a farther sum at least equal in amount to such stock.

## ARTICLE IX.

### EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free schools for the gratuitous instruction of all persons in this State, between the ages of five and twenty-one years.

SEC. 2. Separate schools may be established for children of African descent. All funds provided for the support of public schools shall be appropriated in proportion to the number of children, without regard to color.

SEC. 3. The supervision of public instruction shall be vested in a Board of Education, whose powers and duties shall be prescribed by law. A Superintendent of Public Schools, who shall be the President of the Board, shall be elected by the qualified voters of the State. He shall possess the qualifications of a State Senator, and hold his office for the term of four years; and shall perform such duties, and receive such compensation, as may be prescribed by law. The Secretary of State and Attorney General shall be *ex-officio* members, and, with the Superintendent, compose said Board of Education.

SEC. 4. The General Assembly shall also establish and maintain a State University, with departments for instruction in teaching, in agriculture, and in natural science, as soon as the public school fund will permit.

SEC. 5. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, lands, and other property now belonging to any fund for purposes of education; also, the net proceeds of all sales of lands and other property and effects that may accrue to the State by escheat, or from sales of estrays, or from unclaimed dividends, or distributive shares of the estates of deceased persons, or from fines, penalties, and forfeitures; also, any proceeds of the sales of the public lands which may have been, or hereafter may be, paid over to this State (if Congress will consent to such appropriation); also, all other grants, gifts, or devises that have been, or hereafter may be, made to this State, and not otherwise appropriated by the terms of the grant, gift, or devise; shall be securely invested and sacredly preserved as a Public School Fund; the annual income of which fund, together with so much of the ordinary revenue of the State as may be necessary, shall be faithfully appropriated for establishing and maintaining the free schools and the University in this Article provided for, and for no other uses or purposes whatsoever.

SEC. 6. No part of the public school fund shall ever be invested in the stock, or bonds, or other obligations of any State, or of any county, city, town, or corporation. The stock of the Bank of the State of Missouri now held for school purposes, and all other stocks belonging to any school or university fund, shall be sold, in such manner and at such time as the General Assembly shall prescribe; and the proceeds thereof, and the proceeds of the sales of any lands or other property which now belong, or may hereafter belong, to said school fund, may be invested in the bonds of the United States. All county school funds shall be loaned upon good and sufficient unencumbered real estate security, with personal security in addition thereto.

SEC. 7. No township or school district shall receive any portion of the public school fund, unless a free school shall have been kept therein for not less than three months during the year for which distribution thereof is made. The General Assembly shall have power to require, by law, that every child, of sufficient mental and physical ability, shall attend the public schools, during the period between the ages of five and eighteen years, for a term equivalent to sixteen months, unless educated by other means.

SEC. 8. In case the public school fund shall be insufficient to sustain a free school at least four months in every year in each school district in this State, the General Assembly may provide, by law, for the raising of such deficiency, by levying a tax on all the taxable property in each county, township, or school district, as they may deem proper.

SEC. 9. The General Assembly shall, as far as it can be done without infringing upon vested rights, reduce all lands, moneys, and other property used or held for school purposes, in the various counties of this State, into the Public School Fund herein provided for; and, in making distribution of the annual income of said fund, shall take into consideration the amount of any county or city funds appropriated for common school purposes, and make such distribution as will equalize the amount appropriated for common schools throughout the State.

## ARTICLE X.

### MILITIA.

SECTION 1. All able-bodied male inhabitants of this State, between the ages of eighteen and forty-five years, who are citizens of the United States, or have declared their intention to become citizens of the United States, shall be liable to military duty in the militia of this State; and there shall be no exemption from such duty, except of such persons as the General Assembly may, by law, exempt.

SEC. 2. The General Assembly shall, by law, provide for the organization of the militia, and for the paying of the same when called into actual service; but there shall be no officer above the grade of Brigadier General, nor shall there be more than two officers of that grade.

SEC. 3. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, or by the order of the Governor, they may be appointed by the Governor.

## ARTICLE XI.

### MISCELLANEOUS PROVISIONS.

SECTION 1. The General Assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation which Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; nor shall lands belonging to persons residing out of the limits of this State ever be taxed at a higher rate than the lands belonging to persons residing within the State.

SEC. 2. The State shall have concurrent jurisdiction on the river Mississippi, and on every other river bordering on the said State, so far as the said river shall form a common boundary to this State and any other State which may be bounded thereby; and the said river Mississippi, and the navigable rivers and waters leading into the same, whether bordering on or within this State, shall be common highways, and forever free to the citizens of this State and the United States, without any tax, duty, impost, or toll therefor imposed by the State.

SEC. 3. All statute laws of this State now in force, not inconsistent with this Constitution, shall continue in force until they shall expire by their own limitation, or be amended or repealed by the General Assembly; and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue; and all indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as hereinafter specified.

SEC. 4. No person shall be prosecuted in any civil action or criminal proceeding, for or on account of any act by him done, performed, or executed, after the first day of January, one thousand eight hundred and sixty-one, by virtue of military authority vested in him

by the Government of the United States, or that of this State, to do such act, or in pursuance of orders received by him from any person vested with such authority; and if any action or proceeding shall have heretofore been, or shall hereafter be, instituted against any person for the doing of any such act, the defendant may plead this section in bar thereof.

**SEC. 5.** No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.

**SEC. 6.** No money shall be drawn from the Treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

**SEC. 7.** No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this State.

**SEC. 8.** In the absence of any contrary provision, all officers now or hereafter elected or appointed shall hold office during their official term, and until their successors shall be duly elected or appointed, and qualified.

**SEC. 9.** The General Assembly shall have power to repeal or modify all ordinances adopted by any previous Convention.

**SEC. 10.** The seat of Government of this State shall remain at the City of Jefferson.

**SEC. 11.** No person emancipated by the "*Ordinance abolishing slavery in Missouri,*" adopted on the eleventh day of January, one thousand eight hundred and sixty-five, shall, by any County Court or other authority, be apprenticed, or bound for any service, except in pursuance of laws made specially applicable to the persons so emancipated.

**SEC. 12.** The General Assembly shall provide, by law, for the indictment and trial of persons charged with the commission of any felony, in any county other than that in which the offense was committed, whenever, owing to prejudice or any other cause, an impartial grand or petit jury can not be impaneled in the county in which such offense was committed.

**SEC. 13.** The credit of the State shall not be given or loaned in aid of any person, association, or corporation; nor shall the State hereafter become a stockholder in any corporation or association, except for the purpose of securing loans heretofore extended to certain railroad corporations by the State.

**SEC. 14.** The General Assembly shall not authorize any county, city, or town to become a stockholder in, or to loan its credit to, any company, association, or corporation, unless two-thirds of the qualified voters of such county, city, or town, at a regular or special election to be held therein, shall assent thereto.

**SEC. 15.** The General Assembly shall have no power, for any purpose whatever, to release the lien held by the State upon any railroad.

**SEC. 16.** No property, real or personal, shall be exempt from taxation, except such as may be used exclusively for public schools, and such as may belong to the United States, to this State, to counties, or to municipal corporations within this State.

## ARTICLE XII.

### MODE OF AMENDING AND REVISING THE CONSTITUTION.

**SECTION 1.** This Constitution may be amended and revised in pursuance of the provisions of this Article.

**SEC. 2.** The General Assembly, at any time, may propose such amendments to this Constitution as a majority of the members elected to each House shall deem expedient; and the vote thereon shall be taken by yeas and nays, and entered in full on the journals. And the proposed amendments shall be published with the laws of that session, and also

shall be published weekly in two newspapers, if such there be, within each Congressional district in the State, for four months next preceding the general election then next ensuing. The proposed amendments shall be submitted to a vote of the people, each amendment separately, at the next general election thereafter, in such manner as the General Assembly may provide. And if a majority of the qualified voters of the State, voting for and against any one of said amendments, shall vote for such amendment, the same shall be deemed and taken to have been ratified by the people, and shall be valid and binding, to all intents and purposes, as a part of this Constitution.

SEC. 3. The General Assembly may, at any time, authorize, by law, a vote of the people to be taken upon the question whether a Convention shall be held for the purpose of revising and amending the Constitution of this State; and if, at such election, a majority of the votes on the question be in favor of a Convention, the Governor shall issue writs to the sheriffs of the different counties, ordering the election of delegates to such a Convention, on a day within three months after that on which the said question shall have been voted on. At such election, each Senatorial District shall elect two delegates for each Senator to which it may be then entitled in the General Assembly, and every such delegate shall have the qualifications of a Senator. The election shall be conducted in conformity with the laws regulating the election of Senators. The delegates so elected shall meet at such time and place as may be provided by law, and organize themselves into a Convention, and proceed to revise and amend the Constitution; and the Constitution, when so revised and amended, shall, on a day to be therein fixed, not less than sixty nor more than ninety days after that on which it shall have been adopted by the Convention, be submitted to a vote of the people for and against it, at an election to be held for that purpose only; and if a majority of all the votes given be in favor of such Constitution, it shall, at the end of thirty days after such election, become the Constitution of this State. The result of such election shall be made known by proclamation by the Governor. The General Assembly shall have no power, otherwise than as in this section specified, to authorize a Convention for revising and amending the Constitution.

### ARTICLE XIII.

#### PROVISIONS FOR PUTTING THIS CONSTITUTION INTO FORCE.

*And we do further ordain, as follows:*

SECTION 1. The preceding parts of this instrument shall not take effect, unless this Constitution be adopted by the people at the election to be held as hereinafter directed; but the provisions of this Article shall be in force from the day of the adoption of this Constitution by the Representatives of the people in this Convention assembled.

SEC. 2. For the purpose of ascertaining the sense of the people in regard to the adoption or rejection of this Constitution, the same shall be submitted to the qualified voters of the State, at an election to be held on the sixth day of June, one thousand eight hundred and sixty-five, at the several election precincts in this State, and elsewhere, as hereinafter provided. On that day, or on any day not more than fifteen days prior thereto, such qualified voters of this State as shall then be absent from the places of their residence, by reason of their being in the military service of the United States or of this State, whether they then be in or out of this State, shall be entitled to vote on the adoption or rejection of this Constitution. For that purpose a poll shall be opened in each Missouri regiment or company in such service, at the quarters of the commanding officer thereof; and the voters of this State belonging to such regiment or company, and any others belonging to any other such regiment or company, and who may be present, may vote at such poll. Any one or two commissioned officers of such regiment or company, who may be present at the opening of the polls, shall act as judge or judges of the election; and if no such officer be present, then the voters of such regiment or company present shall elect two of the voters present to act as such judges. Every such judge shall, before any

votes are received, take an oath or affirmation that he will honestly and faithfully perform the duties of judge, and make proper return of the votes given at such election; and such oath the judges may administer to each other. In any election held in a regiment or company, the polls shall be opened at eight o'clock A. M., and closed at six o'clock P. M.

SEC. 3. The election provided for in the next preceding section shall be by ballot. Those ballots in favor of the Constitution shall have written or printed thereon the words, "New Constitution—Yes;" those against the Constitution shall have written or printed thereon the words, "New Constitution—No."

SEC. 4. The said election shall be conducted, and the returns thereof made to the clerks of the several County Courts, and by them immediately certified to the Secretary of State, as provided by law in the case of elections of State officers; and where an election shall be held in a regiment or company, the returns thereof, with the poll-books, shall be certified to the Secretary of State, and may be transmitted by mail, or by any messenger to whom the judges of the election may entrust the same for that purpose.

SEC. 5. Any qualified voter of this State, within the State, who, on the day of said election, shall be absent from the place of his residence, may vote at any place of voting, upon satisfying the judges that he is a qualified voter, and being sworn by them that he has not voted, and will not vote, in said election at any other election precinct.

SEC. 6. At said election no person shall be allowed to vote who would not be a qualified voter according to the terms of this Constitution, if the second Article thereof were then in force. The judges of election shall administer to every person offering to vote, in lieu of the oath now required to be taken by voters under the ordinance of June 10th, 1862, the following oath, to-wit: "I, A. B., do solemnly swear, that I am well acquainted with the terms of the third section of the second Article of the Constitution of the State of Missouri, adopted by the Convention which assembled in the city of St. Louis, on the 6th day of January, eighteen hundred and sixty-five, and have carefully considered the same; that I have never, directly or indirectly, done any of the acts in said section specified; that I have always been truly and loyally on the side of the United States against all enemies thereof, foreign and domestic; that I will bear true faith and allegiance to the United States, and will support the Constitution and laws thereof as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding; that I will, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed or overthrown, under any circumstances, if in my power to prevent it; and that I make this oath without any mental reservation or evasion, and hold it to be binding on me." Should any such person decline to take said oath, he shall not be permitted to vote at said election; but the taking thereof shall not be deemed conclusive evidence of the right of such person to vote; but such right may be disputed and disproved. Any person who shall falsely take, or, having taken, shall thereafter willfully violate, the oath prescribed in this section, shall, upon conviction thereof by any court of competent jurisdiction, be adjudged guilty of the crime of perjury, and shall be punished therefor in accordance with existing law.

SEC. 7. On the first day of July next ensuing said election, the Secretary of State shall, in presence of the Governor, the Attorney General, or the State Auditor, proceed to examine and cast up the returns of the votes taken at said election, and certified to him, including those of persons in the military service; and if it shall appear that a majority of all the votes cast at such election were in favor of the Constitution, the Governor shall issue his proclamation, stating that fact, and this Constitution shall, on the fourth day of said month of July, be the Constitution of the State of Missouri.

SEC. 8. The officer now known as the "Auditor of Public Accounts" shall hereafter be styled State Auditor.

SEC. 9. The office of Register of Lands shall continue until the General Assembly shall abolish the same.

Done by the Representatives of the People of the State of Missouri, in Convention assembled, at the city of St. Louis, on the eighth day of April, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

ARNOLD KREKEL, of St. Charles county, *President.*  
 CHAS. D. DRAKE, of St. Louis, *Vice President.*  
 WM. B. ADAMS, of Montgomery county.  
 A. J. BARR, of Ray county.  
 A. M. BEDFORD, of Mississippi county.  
 D. BONHAM, of Andrew county.  
 GEO. K. BUDD, of St. Louis county.  
 HARVEY BUNCE, of Cooper county.  
 R. L. CHILDRESS, of Webster county.  
 JOHN H. DAVIS, of Nodaway county.  
 I. B. DODSON, of Adair county.  
 JOHN H. ELLIS, of Livingston county.  
 JOHN ESTHER, of Laclede county.  
 ELLIS G. EVANS, of Crawford county.  
 CHAUNCEY I. FILLEY, of St. Louis county.  
 J. W. FLETCHER, of Jefferson county.  
 W. H. FOLMSBEE, of Daviess county.  
 F. M. FULKERSON, of Saline county.  
 JOHN W. GAMBLE, of Audrain county.  
 A. GILBERT, of Lawrence county.  
 DAVID HENDERSON, of Dent county.  
 E. A. HOLCOMB, of Chariton county.  
 J. H. HOLDSWORTH, of Monroe county.  
 W. S. HOLLAND, of Henry county.  
 J. F. HUME, of Moniteau county.  
 WYLLYS KING, of St. Louis county.  
 REEVES LEONARD, of Howard county.  
 JOHN F. McKERNAN, of Cole county.  
 ARCHIBALD M. McPHERSON, of Perry county.  
 JOHN A. MACK, of Greene county.  
 FERDINAND MEYER, of St. Louis county.  
 DORASTUS PECK, of Iron county.  
 JONATHAN THOMAS RANKIN, of Dade county.  
 K. G. SMITH, of Mercer county.  
 GEO. P. STRONG, of St. Louis county.  
 JAMES T. SUTTON, of Wayne county.  
 JOHN R. SWEARINGEN, of Jackson county.  
 WM. F. SWITZLER, of Boone county.  
 LEWIS H. WEATHERBY, of DeKalb county.  
 JEREMIAH WILLIAMS, of Caldwell county.  
 EUGENE WILLIAMS, of Scotland county.

*Attest:*

AMOS P. FOSTER, *Secretary.*

THOS. PROCTOR, *Assistant Secretary.*

## AN ORDINANCE

### FOR THE PAYMENT OF STATE AND RAILROAD INDEBTEDNESS.

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:*

SECTION 1. There shall be levied and collected from the Pacific railroad, the North Missouri railroad, and the St. Louis and Iron Mountain railroad companies, an annual tax of ten per centum of their gross receipts for the transportation of freight and passengers (not including amounts received from, and taxes paid to, the United States), from the 1st of October, 1866, to the 1st of October, 1868, and fifteen per centum thereafter; which tax shall be assessed and collected in the county of St. Louis, in the same manner as other State taxes are assessed and collected, and shall be appropriated by the General Assembly to the payment of the principal and interest now due, or hereafter to become due, upon the bonds of the State, and the bonds guaranteed by the State, issued to the aforesaid railroad companies.

SEC. 2. A like tax of fifteen per centum shall be assessed and collected from the Hannibal and St. Joseph railroad company, and from the Platte Country railroad company, whenever default is made by said companies, or either of them, in the payment of the interest or principal of the bonds of the State, or the bonds guaranteed by the State, issued to said companies, respectively; which tax shall be assessed and collected in such manner as the General Assembly may, by law, direct, and shall be applied for the payment of principal and interest of said bonds, as the same may become due and payable.

SEC. 3. The tax in this ordinance specified shall be collected from each company hereinbefore named, only for the payment of the principal and interest of the bonds for the payment of which such company shall be liable, and, whenever such bonds and interest shall have been fully paid, no further tax shall be collected from such company; but nothing shall be received by the State, in discharge of any amounts due upon said bonds, except cash, or other bonds or obligations of this State.

SEC. 4. Should either of said companies refuse or neglect to pay said tax, as herein required, and the interest or principal of any of said bonds, or any part thereof, remain due and unpaid, the General Assembly shall provide, by law, for the sale of the railroad and other property, and the franchises of the company, that shall be thus in default, under the lien reserved to the State, and shall appropriate the proceeds of such sale to the payment of the amount remaining due and unpaid from said company.

SEC. 5. Whenever the State shall become the purchaser of any railroad or other property, or franchises, sold as hereinbefore provided for, the General Assembly shall provide, by law, in what manner the same shall be sold, for the payment of the indebtedness of the railroad company in default; but no railroad or other property, or franchises, purchased by the State, shall be restored to any such company until it shall have first paid, in money, or in Missouri State bonds, or in bonds guaranteed by this State, all interest due from said company; and all interest thereafter accruing shall be paid semi-annually, in advance; and no sale or other disposition of any such railroad or other property, or the franchises, shall be made without reserving a lien upon all the property and franchises thus sold or disposed of, for all sums remaining unpaid; and all payments therefor shall be made in money, or in the bonds or other obligations of this State.

SEC. 6. The General Assembly shall provide, by law, for the payment of all State indebtedness not hereinbefore provided for; and for this purpose a tax of one quarter of one per centum on all real estate, and other property and effects subjected to taxation, shall be assessed and collected, and shall be appropriated for the payment of all such indebtedness that may have matured; and the surplus, if any, shall be set apart as a sinking fund for the payment of the obligations of the State that may hereafter become due, and for no other purpose whatsoever.

SEC. 7. At the election to be held on the sixth day of June, eighteen hundred and sixty-five, for the purpose of ascertaining the sense of the people in regard to the adoption or

rejection of the Constitution adopted by this Convention, the question of the adoption or rejection of this Ordinance shall be submitted to the voters of this State, who shall be qualified as voters under the provisions of Article 13th of said Constitution, and shall take the oath in said Article prescribed; and the vote at such election shall be taken, and returns thereof made, at the same time, under the same restrictions, and in the same manner, as in said Article is provided for the vote upon the question of the adoption or rejection of said Constitution. The election herein provided for shall be by ballot. Those ballots in favor of this Ordinance shall have written or printed thereon the words, "*Shall the railroads pay their bonds? Yes.*" Those opposed to this Ordinance shall have written or printed thereon the words, "*Shall the railroads pay their bonds? No.*" If the majority of all the votes cast at such election shall be in favor of this Ordinance, the same shall be valid, and have full force and effect as a part of the Constitution of this State, whether the New Constitution adopted by this Convention be adopted or rejected. If a majority of such votes shall be against this Ordinance, it shall have no force or validity whatsoever.

The Governor of this State shall, by proclamation, make known the result of the election herein provided for.

Adopted in Convention, April tenth, A. D. one thousand eight hundred and sixty-five.

ARNOLD KREKEL, *President.*

AMOS P. FOSTER, *Secretary.*

#### THE RATIFICATION—GOVERNOR'S PROCLAMATION.

STATE OF MISSOURI,  
Executive Department. }

WHEREAS, On the sixth day of January, one thousand eight hundred and sixty-five, a Convention of Representatives of the people of the State of Missouri, elected in pursuance of law, assembled in the city of St. Louis, for the purpose of amending the Constitution of said State, which Convention did, on the eighth day of April in said year, adopt a Revised and Amended Constitution for said State:

AND WHEREAS, In and by the second section of the thirteenth Article of the said Revised and Amended Constitution, it was provided that an election by the qualified voters of this State should be held on the sixth day of June, one thousand eight hundred and sixty-five, at the several election precincts in this State, and elsewhere, for the purpose of ascertaining the sense of the people in regard to the adoption or rejection of the said Constitution; and provision was made in said section for taking and counting the votes of such qualified voters of this State as should then be absent from the places of their residence, by reason of their being in the military service of the United States or of this State, whether they should then be in or out of this State:

AND WHEREAS, In and by the provisions of the said thirteenth Article of the said Revised and Amended Constitution, it was required that the returns of said election should be certified to the Secretary of State, and that, on the first day of July next ensuing said election, the Secretary of State should, in the presence of the Governor, the Attorney General, or the State Auditor, proceed to examine and cast up the returns of the votes taken at said election, and certified to him, including those of persons in the military service; and if it should appear that a majority of all the votes cast at said election were in favor of the Constitution, the Governor should issue his proclamation stating that fact, and the said Constitution should on the fourth day of said month of July be the Constitution of the State of Missouri:

AND WHEREAS, On the said first day of July the said Secretary of State did, in presence of the Governor and the State Auditor, proceed to examine and cast up the returns of the votes taken at said election, and certified to him, including those of persons in the military service; when it appeared, upon an accurate casting up of said returns, that there were

forty-three thousand six hundred and seventy (43,670) votes in favor of said Constitution, and forty-one thousand eight hundred and eight (41,808) votes against said Constitution; and there being, therefore, a majority of all the votes cast at said election in favor of said Constitution:

Now, therefore, I, Thomas C. Fletcher, Governor of the State of Missouri, in pursuance of the authority vested in me, as aforesaid, do, by this my proclamation, declare and make known that the said Revised and Amended Constitution was, at said election, adopted by a majority of the votes cast at said election, and that, in pursuance of the provisions therein contained, it will take effect as the Constitution of the State of Missouri, on the Fourth day of the present month of July.

Given under my hand and the Great Seal of the State of Missouri, at the City of Jefferson, on the first day of July, in the year of our Lord one thousand eight hundred and sixty-five.

THOS. C. FLETCHER.

By the Governor:

FRANCIS RODMAN, *Secretary of State.*

WHEREAS, The Representatives of the people of the State of Missouri, in Convention assembled, did adopt, on the tenth day of April, A. D. 1865, an ordinance entitled "An Ordinance for the payment of Railroad and State Indebtedness:"

AND WHEREAS, Said ordinance, in accordance with its provisions, has been submitted to the vote of the people of the State of Missouri on the sixth day of June, A. D. 1865, and also to the vote of the qualified voters of this State, absent from their residence by reason of their being in the military service of the United States or of the State of Missouri, as provided by said ordinance:

AND WHEREAS, The returns of said election were made at the time, under the restrictions, and in the manner as prescribed by said ordinance:

AND WHEREAS, In pursuance of said provisions, the Secretary of State did, on the first day of July, A. D. 1865, in the presence of the Governor and the State Auditor, proceed to examine and cast up the returns of the votes taken at said election and certified to him:

Now, therefore, I, Thomas C. Fletcher, Governor of the State of Missouri, in pursuance of authority in me vested by said ordinance, do, by this my proclamation, make known that, upon an accurate casting up of said above-mentioned returns, there appeared thirty-nine thousand and sixty-seven votes for: "Shall the railroads pay their bonds? Yes;" and twenty thousand nine hundred votes for: "Shall the railroads pay their bonds? No."

In testimony whereof, I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Missouri.

Done at Jefferson City, this, the seventh, day of July, in the year of our Lord one thousand eight hundred and sixty-five, of the Independence of the United States the ninetieth, and of the State of Missouri the forty-fifth.

THOS. C. FLETCHER.

By the Governor:

FRANCIS RODMAN, *Secretary of State.*

## AN ORDINANCE

## ABOLISHING SLAVERY IN MISSOURI.

*Be it ordained by the People of the State of Missouri, in Convention assembled:*

That hereafter, in this State, there shall be neither slavery nor involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted; and all persons held to service or labor as slaves are hereby declared free.

Passed in Convention, January eleventh, A. D. one thousand eight hundred and sixty-five.

A. KREKEL, *President.*

CHAS. D. DRAKE, *Vice President.*

GEO. P. STRONG.  
D. BONHAM,  
HENRY A. CLOVER,  
ELLIS G. EVANS,  
ABNER L. GILSTRAP,  
ISHAM B. DODSON,  
JAMES P. MITCHELL,  
GEORGE HUSMANN,  
M. L. LINTON,  
JOHN A. MACK,  
EUGENE WILLIAMS,  
WILLIAM D'OENCH,  
A. P. NIXDORF.  
HARVEY BUNCE,  
J. F. McKERNAN,  
EMORY S. FOSTER,  
W. A. MORTON,  
JOHN H. ELLIS,  
JOHN H. DAVIS,  
W. S. HOLLAND,  
ELI SMITH,  
W. H. FOLMSBEE,  
PH. ROHRER,  
CHAUNCEY I. FILLEY,  
FERDINAND MEYER,  
B. F. HUGHES,  
A. GILBERT, of Lawrence,  
R. L. CHILDRESS,  
ANDREW G. NEWGENT,  
DAVID HENDERSON,  
J. M. GRAMMER,

W. B. ADAMS.  
JOHN H. HOLDSWORTH,  
A. J. BARR,  
GEORGE K. BUDD,  
GEORGE C. THILENIUS,  
JOHN R. SWEARINGEN,  
JOHN ESTHER,  
E. A. HOLCOMB,  
JAMES W. OWENS,  
A. M. BEDFORD,  
F. M. FULKERSON,  
DORASTUS PECK,  
S. T. DAVIS,  
J. W. FLETCHER,  
R. C. COWDEN,  
M. P. GREEN,  
GUSTAVUS ST. GEM,  
WM. F. SWITZLER,  
JEREMIAH WILLIAMS,  
JOHN W. GAMBLE,  
K. G. SMITH,  
WYLLYS KING,  
ISIDOR BUSH,  
LEWIS H. WEATHERBY,  
JAMES T. SUTTON,  
A. M. McPHERSON,  
J. T. RANKIN,  
J. F. HUME,  
REEVES LEONARD,  
A. H. MARTIN,  
SAMUEL A. GILBERT.

*Attest:* AMOS P. FOSTER, *Secretary.*

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## AN ORDINANCE

TO PROTECT EMANCIPATED NEGROES FROM APPRENTICESHIP.

*Be it ordained by the People of the State of Missouri, in Convention assembled:*

That no person emancipated by the "Ordinance abolishing Slavery in Missouri," adopted on the eleventh day of January, one thousand eight hundred and sixty-five, shall, by any County Court or other authority, be apprenticed, or bound for any service, except in pursuance of such laws as the General Assembly of this State may hereafter enact, made specially applicable to the persons so emancipated.

Adopted in Convention, January twelfth, A. D. one thousand eight hundred and sixty-five.

ARNOLD KREKEL, *President of the Convention.*

*Attest: AMOS P. FOSTER, Secretary of the Convention.*

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## AN ORDINANCE

PROVIDING FOR THE VACATING OF CERTAIN CIVIL OFFICES IN THE STATE, FILLING THE SAME ANEW, AND PROTECTING THE CITIZENS FROM INJURY AND HARASSMENT.

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:*

SECTION 1. That the offices of the Judges of the Supreme Court, of all Circuit Courts, and of all courts of record established by any act of the General Assembly, and those of the Justices of all County Courts, of all clerks of any of the aforesaid courts, of all Circuit Attorneys and their assistants, and of all Sheriffs and County Recorders, shall be vacated on the first day of May, one thousand eight hundred and sixty-five, and the same shall be filled for the remainder of the term of each of said offices, respectively, by appointment by the Governor. The Governor shall, in like manner, and with like effect, fill any vacancy now existing in any of said offices. Every person appointed by the Governor under this Ordinance, shall, before entering upon the discharge of the duties of his office, take the oath prescribed in the second section of the "Ordinance defining the qualifications of voters and civil officers in this State," adopted June tenth, one thousand eight hundred and sixty-two, and shall give bond in such form, in such sum, and with such security, as are required by existing laws.

SEC. 2. No person shall be prosecuted in any civil action, or criminal proceeding, for or on account of any act by him done, performed, or executed, after the first day of January, one thousand eight hundred and sixty-one, by virtue of military authority vested in him by the Government of the United States, or that of this State, to do such act, or in pursuance of orders received by him or them from any person vested with such authority; and if any action or proceeding be brought or instituted against any person for the doing of any such act, the defendant may plead in bar thereof, and give this ordinance in evidence. The provisions of this section shall apply in all cases where suits are now pending, in the same manner, and with like effect, as in suits or actions hereafter brought.

Passed in Convention, March seventeenth, A. D. one thousand eight hundred and sixty-five.

ARNOLD KREKEL, *President of the Convention.*

*Attest: JOHN W. STEPHENS, Secretary pro tem.*

## AN ORDINANCE

FOR PAYING THE OFFICERS, MEMBERS, AND OTHERS, OF THE MISSOURI STATE CONVENTION.

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:*

SECTION 1. That there be and is hereby appropriated, out of any money in the treasury of this State, the sum of twenty thousand dollars for the payment of members, and all other expenses of the Missouri State Convention.

SEC. 2. The State Treasurer is hereby required and authorized to pay to the Chairman of the Committee on Accounts, Mr. Ferdinand Meyer, the aforesaid sum of twenty thousand dollars, and to take his receipt therefor; and the Committee on Accounts shall audit all indebtedness incurred by this Convention; and if any debts should remain unpaid after the above appropriation is exhausted, then the General Assembly, at its next session, shall provide for the full and complete payment of the same.

SEC. 3. The Auditor of Public Accounts is required and authorized to audit the accounts of the Committee on Accounts, and make full settlement with them, paying them the per diem and mileage now allowed to a member for all the necessary time occupied and journeys made after the close of this Convention.

Adopted in Convention, April fifth, A. D. one thousand eight hundred and sixty-five.

A. KREKEL, *President.*

*Attest: AMOS P. FOSTER, Secretary.*

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## AN ORDINANCE

PROVIDING FOR OBTAINING THE VOTES OF MISSOURI SOLDIERS ON THE CONSTITUTION.

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:*

SECTION 1. The Governor of this State is required, on or before the fifteenth day of May next, or immediately thereafter, to send messengers to the different points where there are citizens of this State, beyond the limits thereof, in the volunteer army of the United States, in order to obtain the votes of such persons upon the adoption or rejection of the Constitution adopted by this Convention. The said messengers shall be provided with duly-prepared poll-books for said election, the expense whereof, and also the compensation of such messengers, and all other expenses connected with sending such messengers, shall be certified by the Governor; and the State Auditor shall draw his warrant upon the Treasurer for all amounts so certified, payable out of any money in the Treasury not otherwise appropriated.

SEC. 2. That such number of copies of the New Constitution adopted by this Convention, as the Governor may think necessary to a proper understanding of the Constitution, shall be sent to the Missouri soldiers with such messengers.

Adopted in Convention, April eighth, A. D. one thousand eight hundred and sixty-five.

A. KREKEL, *President.*

*Attest: AMOS P. FOSTER, Secretary.*

## AN ORDINANCE

### FOR THE ORGANIZATION AND GOVERNMENT OF THE MISSOURI MILITIA.

*Be it ordained by the People of the State of Missouri, in Convention assembled, as follows:*

SECTION 1. All able-bodied male inhabitants of the State of Missouri shall be liable to military duty under this Ordinance, except as is hereinafter provided; and, when organized, shall constitute and be known and designated as the "Missouri Militia."

SEC. 2. Persons over the age of forty-five years, and under the age of eighteen years; United States mail carriers, when actually employed as such; United States and State officers; one miller to each public mill, and an engineer for the same, when actually employed in said capacity; teachers of public schools; ministers of the gospel; regular practicing physicians, and railroad employees, shall be exempt from duty in the militia, and shall be entitled to, and receive from, the "enrolling officer," a "certificate" to that effect, on producing to said "enrolling officer" satisfactory evidence of their respective avocations or employments.

SEC. 3. There shall be an enrolling officer for each county, with the rank of a lieutenant, appointed by the commanding officer of each sub-district, whose duty it shall be to enroll all persons in said county, liable to do military duty, once in each year; and all enrollments heretofore made under existing laws shall be taken and considered as made under this Ordinance.

SEC. 4. The militia, as soon as enrolled, shall be organized into platoons, companies, regiments, and brigades. A platoon shall be composed of not less than thirty-two nor more than forty-six privates, two sergeants, four corporals, and one lieutenant. A company shall consist of the number of men, commissioned and non-commissioned officers, prescribed by the revised regulations of the Army of the United States. A regiment shall consist of eight companies or more, with the number of field and staff officers prescribed by "Army Regulations" for the particular branch of service to which it may be assigned. A brigade shall consist of three or more regiments.

SEC. 5. Platoons or companies, as soon as organized, shall elect their commissioned officers; which officers, together with all brigade, regimental, and staff officers, appointed by the Governor, and all non-commissioned company officers, shall, before commissions or warrants, as the case may be, shall [be] issue[d] to them, take and subscribe the following oath: "I, A. B., aged —— years, of the county of ——, in the State of Missouri, and a native of ——, do, on oath (or affirmation), declare that I have not, during the present rebellion, taken up arms or levied war against the United States, nor against the State of Missouri; nor have I willfully adhered to the enemies of either, whether domestic or foreign, by giving aid and comfort, by denouncing said governments, or either of them; by going into or favoring, or encouraging others to go into or favor, secession, rebellion, or disunion; but have always, in good faith, opposed the same; and further, that I will support, protect, and defend the Constitution of the United States, and of the State of Missouri, against all enemies or opposers, whether domestic or foreign, any ordinance, law, resolution of any State Convention or Legislature, or of any order or organization, secret or otherwise, to the contrary notwithstanding; and that I do this with an honest purpose, pledge, and determination, faithfully to perform the same, without any mental reservation or evasion whatever, so help me God."

SEC. 6. The Governor shall nominate, and, by and with the advice and consent of the Senate, appoint, two brigadier generals, and no more; and as many colonels, lieutenant colonels, and majors, as may be necessary for properly disciplining and governing the force organized under this Ordinance: *Provided, however,* That the officers and men thus commissioned and organized shall not be entitled to, nor receive, any pay, rations, or emoluments, when not in actual service.

SEC. 7. The part of the State north of the Missouri river shall be known as the "First Military District," and the part of the State south of said river shall be known as the

"Second Military District," which shall be divided into such sub-districts as, in the judgment of the Commander-in-Chief, the good of the service may require.

SEC. 8. The staff of general officers shall be the same as for the time may be prescribed by regulations of the United States army, or orders of the War Department, governing appointments of officers of the same grade in the United States service—all of whom shall be detailed from the line of the command of the officer to whose staff they are attached.

SEC. 9. The staff of the Commander-in-Chief shall be an adjutant general, with the rank and pay of colonel of cavalry; a quartermaster general, an inspector general, and a commissary general, each with the rank and pay of a colonel of cavalry; a paymaster general, with the rank and pay of lieutenant colonel of infantry; a surgeon general, with the rank and pay of colonel of infantry; a judge advocate general, with the rank and pay of lieutenant colonel of infantry; three aids-de-camp, with the rank and pay of major of infantry. He may detail from the line and field officers of any regiment such officers as he may deem proper, and assign them to duty on his staff.

SEC. 10. It shall be lawful for the Commander-in-Chief to call into service such platoons, companies, or regiments, as the safety and peace of the State may require, and to issue such instructions as may be necessary to insure strict discipline and familiarity in drill.

SEC. 11. The publication of the proclamation of the Governor shall be deemed sufficient notice to all persons, subject to military duty, to report to their respective commanding officers for active service.

SEC. 12. The Articles of War and Army Regulations, as published by authority of the War Department of the United States, shall be observed by the Missouri Militia in every particular not otherwise provided by this Ordinance, and the manner of drill shall be such as is prescribed in the tactics adopted for the United States army.

SEC. 13. Whenever the militia, or any part of it, is called into service, the inspector general, or his assistants, shall muster such force into the service on the rolls of the platoon or company, one of which rolls shall be retained by the commanding officer of the platoon or company, one copy shall be returned to the Adjutant General of the State, and one copy to the district headquarters. He shall administer to each platoon or company, separately, the following oath: "You, and each of you, do solemnly swear, that you will support, protect and defend the United States and the State of Missouri, and the Constitution and laws thereof, against all their enemies; that you will assist in enforcing the laws; and will obey all lawful orders of the officers having authority to command you while in the service, so help you God." And any person subject to military duty, who shall refuse to take said oath, shall be considered and treated as a prisoner of war.

SEC. 14. The surgeon general shall appoint a physician or surgeon for each county to examine persons claiming exemption, who shall give to every person exempted by him a certificate, and shall return to the office of the adjutant of the district, within five days after the close of each of his sittings, a complete list of all persons so exempted. The physician or surgeon so employed shall receive the pay of a major of infantry while actually engaged in such service.

SEC. 15. Any physician or surgeon, authorized by the provisions of this Ordinance to issue certificates of exemption, who shall fraudulently issue any such certificates, shall be liable to a fine of not less than five hundred dollars, to be recovered by indictment before the Circuit Court of the proper county, except St. Louis county, where the indictment shall be before the Criminal Court.

SEC. 16. Every person who neglects or refuses to enroll himself shall pay the sum of twenty dollars, to be levied upon his goods and chattels, by order of the commanding officer of the district, and may be imprisoned or put at hard labor by said officer until said fine is paid, and shall then be enrolled and assigned to such platoon or company as the commanding officer of the district may direct; and any person duly enrolled, and liable to militia service, who shall refuse or neglect to perform such service, shall pay a fine of five dollars per day for every day he fails to render such service, after having been thereto required by his officers; and, in addition thereto, such delinquent shall be subject to arrest,

trial, and punishment, within the discretion of a court martial; and nothing in this section shall be construed to exempt any man from military service.

SEC. 17. The commanding officer of each platoon or company shall certify to the commanding officer of the battalion or regiment to which he is attached, a list of all persons liable to fine under the provisions of this Ordinance, with the number of days each person has neglected or refused to do duty; which list shall be, by the commanding officer of the battalion or regiment, certified to the clerk of the Circuit Court of the county ten days before the next term of the said court, who shall place a copy of said list in a conspicuous place in his office, at least five days before the first day of the term.

SEC. 18. It shall be the duty of the Circuit Court to render a judgment, an award, an execution, against each person named in said lists for the sum due by him, and costs, which shall be collected as other fines. The sheriff of the county may collect all sums due in said lists before judgment, and shall pay over the same to the State Treasury, to the credit of the "Union Military Fund." He shall certify to the commanding officer of the district the names of all persons who fail to pay the amount stated against them in said lists, or who have no property whereof to levy such execution. And the commanding officer of the district shall arrest and put at labor the persons mentioned in the last-named list, until the amounts due by them are paid. And it shall be the duty of the circuit attorney of the proper circuit to prosecute all such matters as shall come before the said court by virtue of this section.

SEC. 19. The sum of fifty cents per day shall be reckoned to every person put at labor under the provisions of this Ordinance, until the fine or penalty due by him is fully paid.

SEC. 20. The uniform of the Missouri Militia shall be the same as prescribed by the United States Army Regulations for the army of the United States, until otherwise ordered by the Commander-in-Chief.

SEC. 21. All officers, when on duty, shall wear the uniform of their rank; and no person, not in the military service of the State or the United States, shall wear any insignia of rank, or any part of uniform, under a penalty of twenty dollars for every offense, to be recovered by suit and summary trial before any justice of the peace.

SEC. 22. The pay of the militia shall be the same for officers and men as allowed for the time by the United States to officers and soldiers, and fifty cents for each day's service of his horse, when he is mounted; and such pay shall be in the same funds in which the United States Volunteers are paid, or their equivalent.

SEC. 23. All taxes levied and collected for military purposes, and all fines imposed upon militiamen by this Ordinance, all proceeds of the sales of contraband or captured property seized or captured by the militia, and all other appropriations and levies made for the benefit of the militia, shall likewise be paid into the treasury, to the credit of the said Union Military Fund. Out of such fund shall be paid, first, all sums now due the Enrooled Missouri Militia for services rendered, and Union Military Bonds now outstanding or hereafter issued; and second, all expenses incurred according to law, and audited by the proper officers, and appropriations for military purposes, as other claims against the State.

SEC. 24. The Governor of the State shall lay before the General Assembly, at each regular session thereof, a report of the moneys expended for militia purposes, and an estimate of the funds necessary for support of the militia for the next two years.

SEC. 25. The Commander-in-Chief may assign to duty, as paymasters, such officers as may to him seem proper, not exceeding four (4) in number, with the rank and pay of majors of infantry; and require them, before entering upon the discharge of the duties of the office, to execute a bond, in a sum and with such securities as he shall order, conditioned for the faithful performance of their duty.

SEC. 26. Any officer, civil or military, who may refuse to account for and pay over, according to law, any moneys or property coming to his hands belonging to the militia fund, shall, upon conviction thereof, in the Circuit or Criminal Court, on indictment, be

sentenced to imprisonment in the penitentiary for a term of not less than five nor more than ten years.

SEC. 27. *Courts Martial.*—Courts martial shall be constituted and shall proceed in all cases, and be governed by the laws and regulations prescribed by the United States Army.

SEC. 28. The General Assembly of this State shall provide the ways and means for the payment of the Missouri Militia, and may, at any time, amend or repeal this Ordinance.

SEC. 29. An act entitled “An act for the organization and government of the Missouri Militia,” approved February 10, 1865, and all other acts or parts of acts, inconsistent with the provisions of this Ordinance, are hereby abrogated.

Adopted in Convention, April eighth, A. D. one thousand eight hundred and sixty-five.

ARNOLD KREKEL, *President.*

Attest: AMOS P. FOSTER, *Secretary of Convention.*













